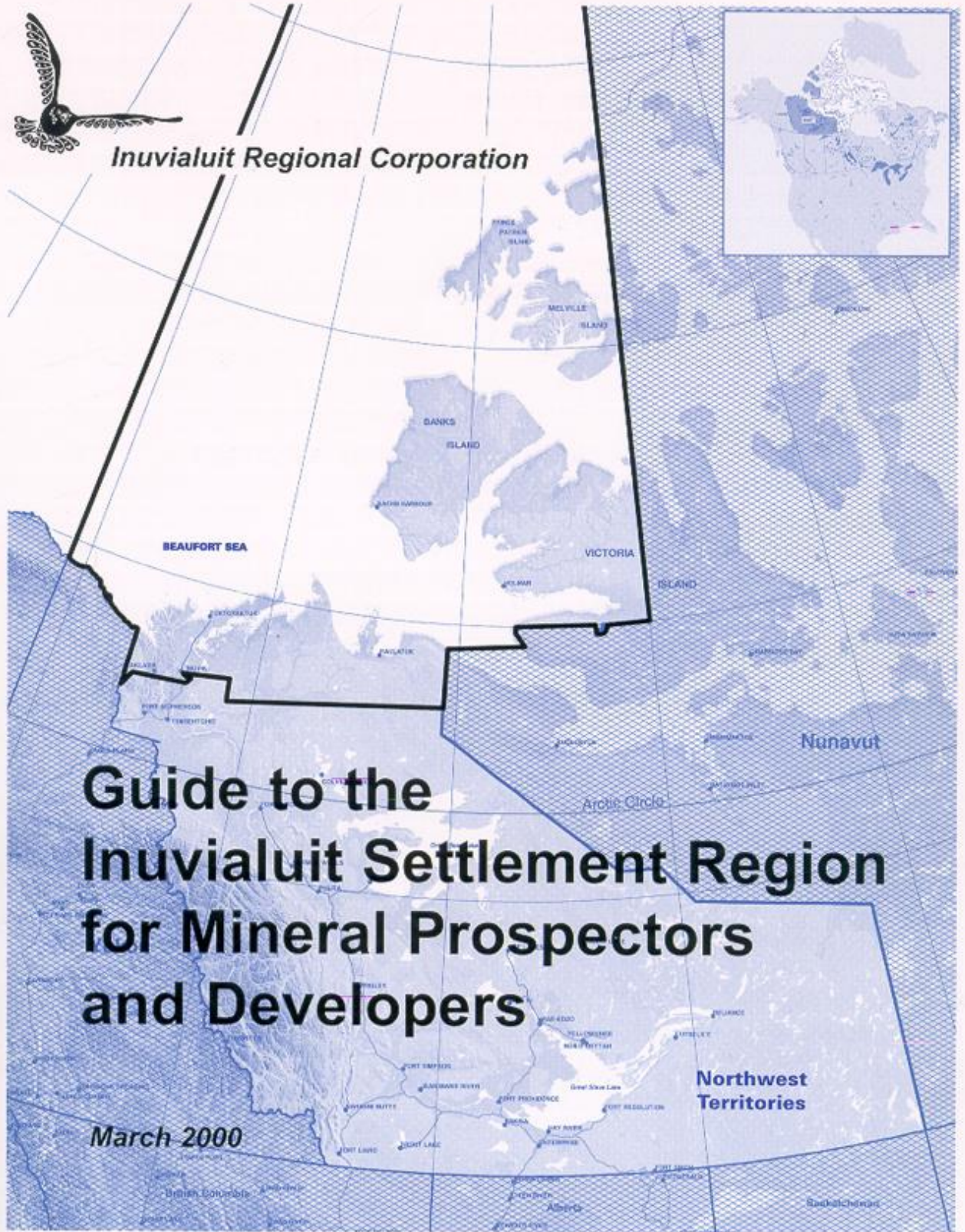




Inuvialuit Regional Corporation



Guide to the Inuvialuit Settlement Region for Mineral Prospectors and Developers

March 2000

**Northwest
Territories**

Cover map provided by

**NWT CENTRE FOR REMOTE SENSING
RESOURCES, WILDLIFE AND ECONOMIC DEVELOPMENT
GOVERNMENT OF NORTHWEST TERRITORIES**

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March, 2000**

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GUIDE TO THE INUVIALUIT SETTLEMENT REGION
FOR
MINERAL PROSPECTORS AND DEVELOPERS

March 2000

TABLE OF CONTENTS

Chapter 1 GETTING STARTED Page 1

1.1	The Inuvialuit Settlement Region (ISR)	Page 3
1.2	The Inuvialuit Final Agreement (IFA)	Page 3
1.3	Implementation of the Inuvialuit Final Agreement (IFA)	Page 3
1.4	LOCATION: Where will you be working?	Page 4
1.5	SCOPE: What activities are you planning?	Page 6
1.6	Laws of General Application	Page 6

Chapter 2 THE INUVIALUIT FINAL AGREEMENT (IFA) Page 9

2.1	Goals (IFA Section 1)	Page 9
2.2	Beneficiary and Inuvialuit Corporations (IFA Sections 5 and 6)	Page 9
2.3	Relevance of the IFA to Mineral Prospectors and Developers	Page 10
2.4	Inuvialuit-Owned Lands (IFA Section 7)	Page 10
2.5	Crown-Owned Lands	Page 11
2.6	Access To and Across Inuvialuit Lands (IFA Section 7)	Page 11
2.7	Wildlife Compensation (IFA Section 13)	Page 12
2.8	Water Management (IFA Section 7)	Page 12
2.9	Sand and Gravel (IFA Section 7)	Page 12
2.10	Participation Agreements (IFA Section 10)	Page 13
2.11	Arbitration Process (IFA Section 18)	Page 13
2.12	Laws of General Application (IFA Section 7)	Page 13
2.13	Environmental Impact Screening and Review Process (IFA Section 11)	Page 13
2.14	Economic Provisions (IFA Section 16)	Page 14
2.15	Land Use Planning (IFA Section 7)	Page 14

Chapter 3 INUVIALUIT INSTITUTIONS: WHO'S WHO Page 15

3.1	Co-Management Institutions	Page 15
3.1.1	Institutions for Co-Management of Wildlife	Page 15
3.1.2	Institutions of IFA Environmental Screening and Review	Page 17
3.2	Inuvialuit Institutions	Page 18
3.2.1	<i>Inuvialuit Regional Corporation (IRC)</i>	Page 18
3.2.2	<i>Inuvialuit Land Administration (ILA)</i>	Page 18
3.2.3	<i>Inuvialuit Game Council (IGC)</i>	Page 18
3.3	Community Institutions	Page 18
3.3.1	<i>Community Corporations</i>	Page 18
3.3.2	<i>Community Hunters and Trappers Committees (HTC)</i>	Page 20
3.3.3	<i>Holman Community Conservation Committee</i>	Page 20

Chapter 4 ENVIRONMENTAL IMPACT SCREENING AND REVIEW Page 21

4.1	Application of the Process: To Which Projects?	Page 21
4.1.1	Developments that Require Screening	Page 21
4.1.2	Exemption from Screening	Page 22

4.2	The IFA Environmental Impact Screening Process	Page 23
4.2.1	Scheduling the Screening Process	Page 23
4.2.2	Consultation Requirements	Page 23
4.2.3	The Project Description	Page 24
4.2.4	Screening Determination	Page 25
4.3	The IFA Environmental Impact Review Process	Page 25
4.3.1	Review Procedures	Page 26
4.3.2	Process for the Proponent	Page 26
4.3.3	Relationship to Federal Environmental Assessment	Page 27

Chapter 5 DOING MINERAL WORK IN THE ISR *Page 28*

5.1	Legislation on Mineral Rights and Land Use	Page 28
5.2	Inuvialuit Owned Lands	Page 30
5.2.1	Inuvialuit 7(1)(a) Lands	Page 30
5.2.2	Inuvialuit 7(1)(b) Lands	Page 30
5.2.3	Inuvialuit 7(2) Lands: Beds of Water Bodies	Page 31
5.3	Federal Crown Land	Page 31
5.4	Land within Protected Areas	Page 31
5.5	Commissioner's Lands	Page 32
5.6	"Below-Threshold" Mineral Activities	Page 32
5.7	Laws of General Application	Page 33
5.8	Environmental Laws and Regulation	Page 33

Chapter 6 PROTECTED AREAS IN THE ISR *Page 36*

6.1	Formalized Protected Area Status	Page 36
6.1.1	National Parks: The Highest Level of Conservation Protection	Page 36
6.1.2	Migratory Bird Sanctuaries	Page 37
6.1.3	Territorial Parks and Sites	Page 37
6.1.4	Protection under the Inuvialuit Final Agreement	Page 38
6.1.5	Protection for Archaeological Sites	Page 38
6.2	Informal Protection	Page 38
6.2.1	Community Conservation Plans	Page 39
6.2.2	Key Habitat Sites for Birds	Page 39
6.2.3	Critical Habitat Areas for Fish	Page 40
6.2.4	Beluga Whale Protection Plan	Page 40
6.3	Protected Area Planning: NWT Protected Areas Strategy	Page 41

Chapter 7 DOING WORK ON INUVIALUIT-OWNED LANDS *Page 45*

7.1	Dealing With The Inuvialuit Land Administration	Page 45
7.2	ILA Authorizations Required To Do Mineral Work	Page 45
7.3	Commercial Access	Page 46
7.4	Rights and Authorities for Commercial Mineral Activities	Page 48
7.5	Terms and Conditions of Permits and Rights	Page 48
7.6	Wildlife Compensation	Page 49
7.6.1	Review of Applications Affecting Wildlife	Page 49
7.6.2	Liability for Damage	Page 49
7.7	Agreements Negotiated with the ILA	Page 50
7.8	Application Procedures	Page 50

Chapter 8 LAWS OF GENERAL APPLICATION Page 55

8.1	Corporate Registration	Page 55
	8.1.1 <u>Business Corporations Act</u> (NWT)	Page 55
	8.1.2 <u>Workers Compensation Act</u> (NWT)	Page 56
	8.1.3 <u>Mine Health and Safety Act</u> : Notification Requirement	Page 56
8.2	Access Restrictions: Protected Areas	Page 56
8.3	Research Authorizations	Page 56
	8.3.1 <u>Scientists Act</u> (NWT)	Page 56
	8.3.2 <u>Wildlife Act</u> (NWT)	Page 56
	8.3.3 Archaeological Research and Site Protection	Page 57
8.4	Use of Waters <i>Page 57</i>	
	8.4.1 <u>NWT Waters Act</u> and Regulations	Page 57
	8.4.2 <u>Fisheries Act</u> and Regulations	Page 59
	8.4.3 <u>Arctic Waters Pollution Prevention Act</u>	Page 60
	8.4.4 <u>Navigable Waters Protection Act</u>	Page 60
8.5	Environmental Protection	Page 61
	8.5.1 <u>Canadian Environmental Assessment Act</u>	Page 61
	8.5.2 Spills and Leakages: <u>Canadian Environmental Protection Act</u>	Page 61
	8.5.3 Toxic Waste: Transportation of Dangerous Goods	Page 62
8.6	Requirements Specific to Activities	Page 62
	8.6.1 Airborne Geophysical: <u>Migratory Bird Convention Act</u>	Page 62
	8.6.2 Blasting, Drilling or Trenching	Page 63
	8.6.3 Use of Explosives	Page 63
	8.6.4 Permit to Burn: <u>Forest Protection Act</u> (NWT)	Page 63
	8.6.5 Fuel Storage and Fire Prevention	Page 64
	8.6.6 Sanitation for Field Camps: <u>Public Health Act</u>	Page 64
	8.6.7 Campsite Protection against Bear Attacks	Page 64
8.7	Safety: <u>Mine Health and Safety Act</u> (NWT)	Page 64
8.8	Mine Labour	Page 65
8.9	Transportation	Page 66
8.10	<u>Atomic Energy Control Act</u>	Page 66

Chapter 9 DOING WORK ON FEDERAL CROWN LAND Page 67

9.1	Federal Crown Lands	Page 67
9.2	Role for the Inuvialuit on Federal Crown Lands	Page 68
9.3	Mineral Rights and Land Use Permits	Page 68
	9.3.1 Issuance of Mineral Rights on Crown Lands	Page 68
	9.3.2 Land Use Authorizations on Crown Lands	Page 69
9.4	Federal Guidelines for Land and Water Use	Page 70
	9.4.1 Guidelines Available from DIAND Land Administration	Page 70
	9.4.2 Guidelines Available from the NWT Water Board	Page 70
9.5	Stage 1: REGIONAL EXPLORATION BELOW THRESHOLD	Page 71
	9.5.1 Requirements for Mineral Exploration	Page 71
	9.5.2 Corporate Registration and Notification	Page 72
9.6	Stage 2: REGIONAL EXPLORATION ABOVE THRESHOLD	Page 72
	9.6.1 Requirements For Mineral Exploration	Page 73
	9.6.2 Corporate Registration and Notification	Page 73
	9.6.3 Authorizations for Land Use	Page 73
9.7	Stage 3: MINERAL RIGHTS ACQUISITION	Page 75
	9.7.1 Legislation and Regulation	Page 75

9.7.2	Three Ways to Acquire A Claim on Crown Land	Page 75
	By Staking under a Prospector's Licence	Page 75
	By Staking under a Prospecting Permit	Page 76
	By Acquiring A Mining Lease	Page 76
9.8	Stage 4: PRIMARY EXPLORATION	Page 78
9.8.1	Mineral Rights and Work Assessment Eligibility	Page 78
9.8.2	Land Use Authorizations	Page 78
9.8.3	Diamond Drilling	Page 79
9.8.4	Line Cutting	Page 79
9.8.5	Application for a Water Licence	Page 80
9.9	Stage 5: ADVANCED EXPLORATION	Page 83
9.9.1	Land Use Authorizations	Page 83
9.9.2	Application for a Water Licence	Page 84
9.10	Stage 6: DEVELOPMENT AND PRODUCTION	Page 86
9.10.1	Land Use Authorizations	Page 86
9.10.2	Environmental Screening and Review	Page 86
9.10.3	Application for a Water Licence	Page 87
9.11	Stage 7: MINE OR SITE CLOSURE	Page 90
9.11.1	Requirements in the Land Use Authorization	Page 90
9.11.2	Requirements in the Water Licence	Page 91

Chapter 10 DOING WORK ON COMMISSIONER'S LANDS *Page 93*

10.1	Mineral Rights Disposition	Page 93
10.2	Land Use Authorizations	Page 93
10.3	Water Use and Other Laws of General Application	Page 94

Chapter 11 THE YUKON NORTH SLOPE *Page 95*

11.1	The Yukon North Slope in the IFA	Page 95
11.2	East of the Babbage River	Page 95

Chapter 12 TRANS-BOUNDARY AND OVERLAP ISSUES *Page 96*

12.1	Trans-Boundary Considerations in the IFA	Page 96
12.2	Gwich'in Private Lands within the ISR	Page 96
12.3	Nunavut Territory	Page 97
12.4	<u>Mackenzie Valley Resource Management Act</u>	Page 97
12.5	<u>Canadian Environmental Assessment Act</u>	Page 98

Chapter 13 WHAT'S NEXT? *Page 100*

13.1	Revisions to the ILA Rules and Procedures	Page 100
13.2	1995 Mineral Prospecting Agreement: DIAND and IRC	Page 100
13.3	Caribou Protection Measures	Page 100
13.4	Successor to the NWT Water Board	Page 101
13.5	New Land Use Guidelines in Preparation	Page 101

14.1	The Importance of Consultation	<i>Page 102</i>
14.1.1	The Inuvialuit Interests	<i>Page 102</i>
14.1.2	The Mineral Operator’s Interest	<i>Page 102</i>
	<i>To Obtain Authorizations</i>	<i>Page 102</i>
	<i>To Build a Long-Term Working Relationship</i>	<i>Page 103</i>
	<i>To Manage Expectations</i>	<i>Page 103</i>
14.2	Limits to Corporate Resources	<i>Page 104</i>
14.3	What Does Effective Consultation Require?	<i>Page 104</i>
14.4	Applying for Authorizations: Start Early	<i>Page 105</i>

FIGURES, MAPS AND TABLES IN THE TEXT

Figure 1	Location of the Mineral Target Area: Chapter References	<i>Page 2</i>
Table 1.0	Authorities for Approvals to Work on Different Types of Land	<i>Page 7</i>
Map 1	Inuvialuit Settlement Region: Private Inuvialuit Lands and Crown Lands	<i>Page 8</i>
Figure 2	Authorities for Land Use and Mineral Rights in the ISR	<i>Page 29</i>
Table 5.0	Legislation by Topic for Different Types of Land	<i>Page 34</i>
Table 6.0	Protected Areas in the ISR: Formally Legislated Protection	<i>Page 42</i>
Table 6.1	Protected Areas in the ISR: Informal Types of Protection	<i>Page 44</i>
Table 7.0	Requirements for Commercial Access to Inuvialuit-owned Lands	<i>Page 47</i>
Table 7.1	Rights and Authorizations Issued by the Inuvialuit Land Administration	<i>Page 51</i>
Table 7.2	Agreements Negotiated with the Inuvialuit Land Administration	<i>Page 54</i>
Table 9.0	Requirements on Federal Crown Lands in the ISR Stages 1 and 2: Regional Mineral Exploration Surveys	<i>Page 74</i>
Table 9.1	Stage 3: Mineral Rights Acquisition	<i>Page 77</i>
Table 9.2	Stage 4: Primary Mineral Exploration	<i>Page 81</i>
Table 9.3	Stage 5: Advanced Mineral Exploration	<i>Page 85</i>
Table 9.4	Stage 6: Mineral Development and Production	<i>Page 88</i>
Table 9.5	Stage 7: Mine or Site Closure	<i>Page 92</i>

LIST OF APPENDICES

APPENDIX A LIST OF MAPS

Inuvialuit Settlement Region: Private Inuvialuit Lands and Crown Lands	MAP 1
Protected Areas in the Inuvialuit Settlement Region	MAP 2
Environmental Sensitivity Map, Inuvialuit Settlement Region	MAP 3
Sachs Harbour: Inuvialuit-Owned Lands	MAP 4
Holman: Inuvialuit-Owned Lands	MAP 5
Inuvik and Aklavik: Inuvialuit-Owned Lands	MAP 6
Tuktoyaktuk: Inuvialuit-Owned Lands	MAP 7
Paulatuk: Inuvialuit-Owned Lands	MAP 8
Yukon North Slope	MAP 9

APPENDIX B REGULATORY THRESHOLDS AND FLOW CHARTS

Inuvialuit Corporate Group Structure	<i>Appendix B2</i>
Renewable Resource Management Under the IFA: Organization Chart	<i>Appendix B3</i>
Flow Chart: Environmental Impact Screening Committee	<i>Appendix B4</i>
Flow Charts: Environmental Impact Review Board	<i>Appendix B5</i>
Thresholds for Class A and B Land Use Permits for Activity on Crown Land	<i>Appendix B8</i>
Thresholds for Type A and B Water Licences from the NWT Water Board	<i>Appendix B9</i>
Flow Chart: Application for a Type "A" Water Licence	<i>Appendix B12</i>
Flow Chart: Application for a Type "B" Water Licence	<i>Appendix B13</i>

APPENDIX C REFERENCES, GUIDES, ACRONYMS AND STATUTES

Publications of Indian and Northern Affairs Canada	<i>Appendix C2</i>
Publications of the Government of the Northwest Territories	<i>Appendix C3</i>
Other Sources	<i>Appendix C3</i>
Inuvialuit Publications	<i>Appendix C4</i>
List of Acronyms	<i>Appendix C5</i>
List of Legislation	<i>Appendix C6</i>

APPENDIX D DIRECTORY: CONTACTS REFERRED TO IN THIS GUIDE

Inuvialuit Organizations	<i>Appendix D1</i>
Government of Canada	<i>Appendix D3</i>
Government of Northwest Territories	<i>Appendix D4</i>
Government Contacts in Yukon	<i>Appendix D7</i>
Other	<i>Appendix D8</i>

Chapter 1 GETTING STARTED

The objective of this Guide is to offer an inclusive overview of the regulatory framework facing the mineral prospector or developer seeking to work in the Inuvialuit Settlement Region. It is intended as a starting point. For any particular project, the mineral operator will have to refer to the appropriate legislation and authorities for detailed requirements.

The Guide is organized to emphasize three important features of the requirements for doing work in the Inuvialuit Settlement Region (ISR).

The Inuvialuit Final Agreement takes precedence in the Inuvialuit Settlement Region.

The IFA and its institutions are described in Chapters 2, 3, and 4.

Regulatory requirements for mineral work vary depending on LOCATION and on SCOPE of the activity.

Chapters 5, 6, 7, 9, 10 and 11 distinguish the various types of land within the ISR and the differences in requirements resulting from location. Chapter 9 deals specifically with federal Crown lands, and shows the escalation of requirements as the scope of the activity increases.

Laws of General Application continue to apply throughout the ISR.

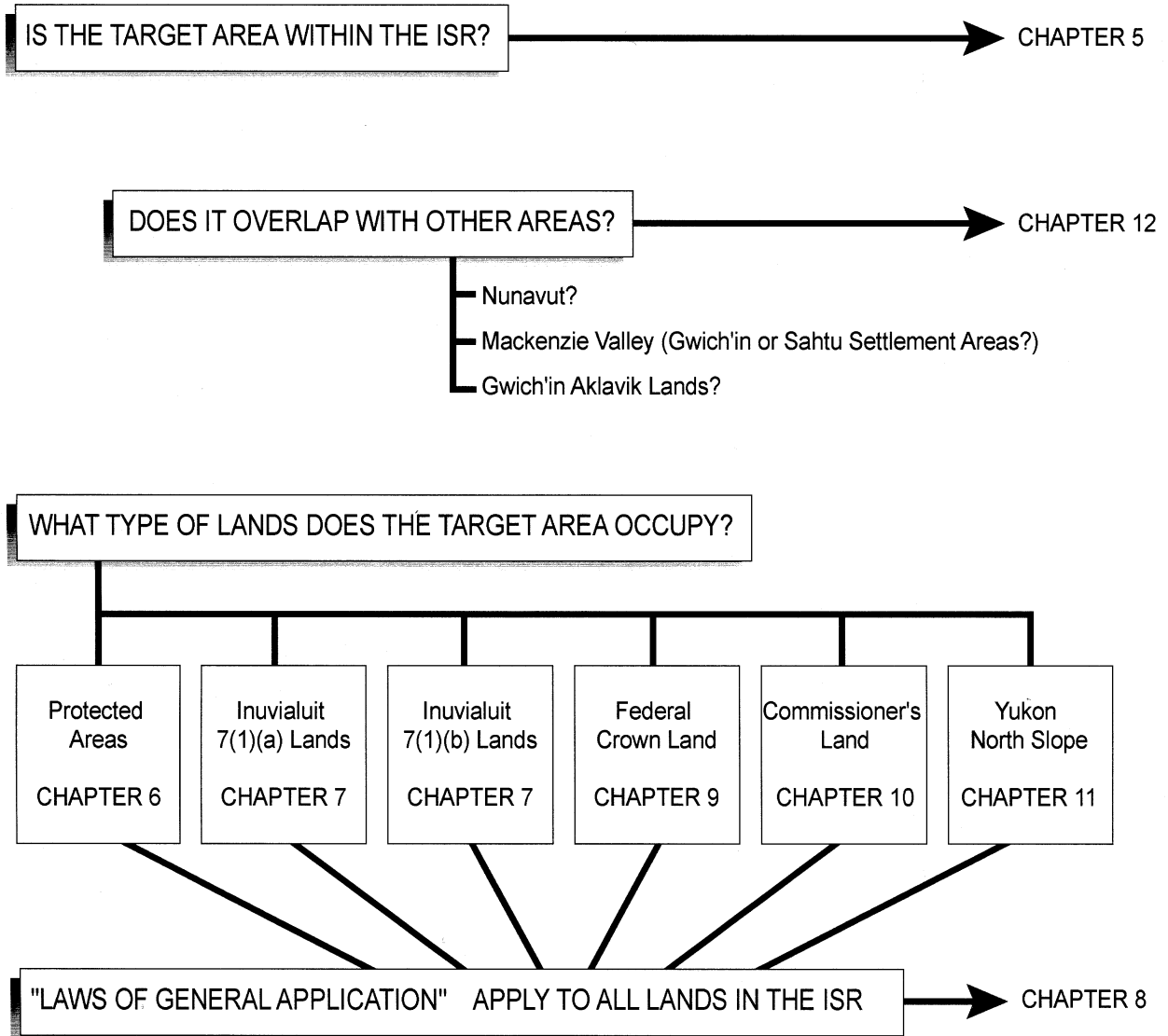
The principal laws affecting mineral operators are described in Chapter 8.

The rapid evolution of regulation and of practice can quickly render such a document out of date. In an effort to extend its shelf-life, Chapters 12 and 13 describe some current issues and developments that may affect requirements in the next few years. Chapter 14 concludes with the case for a “Best Practices” approach that emphasizes the importance of effective consultation in meeting the requirements for doing work in the ISR.

Figure 1 illustrates the organization of the Guide and Chapter references for different types of land in the ISR. Maps outlining the different types of land are attached in Appendix A.

This structure (and the overlap of authorities across the ISR) leads unfortunately to some repetition from one chapter to another, however mineral operators consulted in the course of developing the Guide expressed a preference for completeness even at a cost of repetition.

**FIGURE 1
LOCATION OF THE MINERAL TARGET AREA:
CHAPTER REFERENCES**



Refer to Maps in Appendix A for approximate locations of different types of lands.

1.1 The Inuvialuit Settlement Region (ISR)

The Inuvialuit Settlement Region (ISR) extends along the Arctic coast from the Alaska border on the west to the boundary with the new territory of Nunavut on the east. The ISR is bounded on the south by the Gwich'in and Sahtu Settlement Areas of the Mackenzie Valley and extends to the north across the Beaufort Sea to include Banks Island, parts of Victoria Island and the western Queen Elizabeth Islands. (Map 1 on Page 8).

1.2 The Inuvialuit Final Agreement (IFA)

The first thing a mineral operator needs to know about the ISR is that land claim settlement legislation takes precedence here. The Inuvialuit of the Western Arctic were the first aboriginal people in the Northwest Territories to conclude a comprehensive land claim settlement with the Government of Canada.

The Inuvialuit Final Agreement (IFA) was signed by all parties on June 5, 1984. It applies throughout the ISR and prevails on all matters that it covers. The main features of the IFA are summarized in Chapter 2 of this Guide. For mineral activities, the most important features of the IFA are:

- ***Ownership and control by the Inuvialuit of selected lands within the ISR.***
The processes for obtaining approvals on Inuvialuit-owned lands differ from those on Crown-owned lands in the ISR;
- ***A guaranteed role for the Inuvialuit in environmental screening and review of development proposals in the ISR that are likely to cause a negative environmental impact.*** Such proposals undergo close scrutiny for potential negative impacts on wildlife, habitat and the environment, and face stringent requirements for prevention and mitigation of impacts;
- ***Assured opportunities for Inuvialuit to participate in economic activity in the ISR;***
- ***A high priority for protection of wildlife, habitat and environment, and requirement for compensation for any damage caused.***

1.3 Implementation of the Inuvialuit Final Agreement (IFA)

Since the IFA was signed in 1984, both Inuvialuit and developers have gained experience in making the new arrangements work. The institutions envisaged by the IFA are now established and administrative procedures have been worked out in the course of dealing with a number of project proposals. This experience has created a capacity in the Inuvialuit land claim institutions for processing applications efficiently.

Inuvialuit require high standards from developers. Inuvialuit place great value upon the IFA and expect developers to respect IFA institutions and processes. They also demand openness and thorough efforts at consultation not just with the major institutions but with the communities directly. By taking care to accommodate these concerns from the start, a developer can build a good working relationship that will serve as a sound foundation for future activities.

Wherever a mineral prospector or developer wants to work in the Inuvialuit Settlement Region (ISR), you must

deal with one or more Inuvialuit institutions in the course of obtaining authorization to proceed. These institutions are described in Chapter 3 of this Guide.

With the exception of the Inuvialuit Land Administration (ILA), the Inuvialuit institutions set up pursuant to the IFA do not have final decision-making authority in relation to mineral activities. These institutions however provide advice to the authorities that make the decisions, and that advice is taken into account in decision-making. Decisions on authorization of land use and issuance of mineral rights are made either by government on Crown lands or by the Inuvialuit Land Administration (ILA) on lands for which Inuvialuit hold title.

These distinctions between Inuvialuit-owned land and other types of land are significant because they determine which authorizations are required and what process has to be followed in order to obtain permission to proceed.

The most important considerations are **LOCATION** and **SCOPE** of the mineral activities being planned.

1.4 LOCATION: Where will you be working?

Is the target area within the Inuvialuit Settlement Region (ISR)?

If so, the Inuvialuit Final Agreement applies. Note that the ISR spans both land and water, and extends into the islands of the High Arctic. Refer to Map 1 and Chapter 5 of this Guide.

Does it overlap the boundary with another jurisdiction?

Nunavut? The Gwich'in Settlement Area? The Sahtu Settlement Area? If so, or if the effects from your activities may be felt on an adjoining area, then there will be additional requirements to obtain approvals. Refer to Map 1 and Chapter 12.

What type(s) of land within the ISR does the target area occupy?

Each type of land has different ownership of surface and sub-surface rights. Consequently, the developer has to deal with different regimes on each in order to obtain mineral rights and approvals for land use approvals. Refer to Map 1 and the maps in Appendix A for the outlines of these areas, and to Table 1.0 and Figure 1 for the authorities that apply to each.

- # ***Inuvialuit-owned lands, S. 7.(1)(a)?***
- # ***Inuvialuit-owned lands, S.7(1)(b)?***
- # ***Federal Crown lands in the Northwest Territories?***
- # ***Commissioner's lands in the Northwest Territories?***
- # ***Federal Crown lands on the Yukon North Slope?***

Is the target area near one or more communities?

Inuvik, Aklavik, Tuktoyaktuk, Sachs Harbour, Holman and Paulatuk are the six communities of the Inuvialuit Settlement Region. Which community is closest to your target area and are there any others that could be affected?

No matter what type of land is involved, the authorization process will go faster and more successfully if you contact the Community Corporation and the Hunters and Trappers Committee of the affected community(ies) to advise them that you want to work in the area, and to check for any concerns that should be addressed when planning or conducting the activity.

Is the target area in or near an environmentally sensitive area?

Where is the target in relation to the environmentally sensitive areas marked on the Environmental Sensitivity Map and the Community Conservation Plan for the nearest community(ies)? The Inuvialuit recommend early consultation with the local Hunters and Trappers Committee to check out any environmentally sensitive locations. Refer to Chapter 6 of this Guide.

Where is the target area in relation to any Protected Areas?

The Inuvialuit Settlement Region has the highest proportion of land under formal protection of any jurisdiction in Canada. In some of these Protected Areas, industrial activities such as mineral exploration and development are banned. In others, activities may be permitted but only after close scrutiny by the authorities and under stringent conditions.

There are also some areas within the ISR with informal protection. These areas are identified by either government or Inuvialuit agencies as areas of particular sensitivity for which special precautions should be taken. Refer to Chapter 6 of this Guide.

1.5 SCOPE: What activities are you planning?

The mineral activities planned for the target area will determine the scope of the impact of the project, and so will influence what approvals are required. Generally the more intrusive the activities, the more requirements and the more intensely the project will be examined. Scope of work also determines how much consultation is necessary to meet regulatory requirements.

The mineral exploration and development process can be divided into stages of activity, although in reality, the stages may not progress in this order or may overlap:

- # ***Regional Survey Exploration***
- # ***Primary Mineral Exploration***
- # ***Mineral Rights Acquisition***
- # ***Advanced Mineral Exploration***
- # ***Mineral Development and Production***
- # ***Mine or Site Closure***

Chapter 9 describes the requirements for each stage of activity undertaken on Federal Crown lands. The requirements are not distinguished by stage, but are described generally for Inuvialuit-owned lands in Chapter 7 and Commissioner's Lands in Chapter 10

1.6 Laws of General Application

LOCATION and **SCOPE** determine what laws and procedures apply to the acquisition of mineral rights, to authorizations for land use, and also determine whether the IFA Environmental Impact Screening and Review Process applies. Table 1.0 shows the different authorities for each type of land.

It is important to keep in mind that, apart from the exceptions established by the IFA, "Laws of General Application" continue to apply throughout the ISR. This means that no matter where you work in the Region, legislation such as the Northwest Territories Waters Act, the Canadian Environmental Assessment Act, and all other federal and territorial laws continue to apply.

These requirements are discussed further in Chapter 8 of this Guide.

TABLE 1.0

MINERAL ACTIVITIES IN THE INUVIALUIT SETTLEMENT REGION (ISR)

AUTHORITIES FOR APPROVALS TO WORK ON DIFFERENT TYPES OF LAND

TYPE OF LAND	LOCATION	MINERAL RIGHTS DISPOSITION	LAND USE AUTHORIZATIONS	WATER AUTHORIZATIONS	OTHER LAWS
Inuvialuit Owned Section 7(1)(a)(i)	Near communities	Inuvialuit Land Administration (ILA)	Inuvialuit Land Administration If referred, EISC for screening	NWT Water Board and DIAND	Govt of Canada Govt of NWT
Inuvialuit Owned Section 7(1)(a)(ii)	Block of land on Cape Bathurst	Inuvialuit Land Administration (ILA)	Inuvialuit Land Administration If referred, EISC for screening	NWT Water Board and DIAND	Govt of Canada Govt of NWT
Inuvialuit Owned Section 7(1)(b)	Near communities	DIAND (Department of Indian Affairs and Northern Development)	Inuvialuit Land Administration If referred, EISC for screening	NWT Water Board and DIAND	Govt of Canada Govt of NWT
Inuvialuit Owned Section 7(2)	Beds of water bodies within Inuvialuit-owned lands	DIAND on beds within 7(1)(b) lands ILA on beds within 7(1)a lands	Inuvialuit Land Administration If referred, EISC for screening	NWT Water Board and DIAND	Govt of Canada Govt of NWT
Federal Crown Lands	Throughout Inuvialuit Settlement Region	DIAND	DIAND issues authorizations EISC conducts environmental screening	NWT Water Board and DIAND	Govt of Canada Govt of NWT
Commissioner's Lands	On blocks in or near municipal boundaries	DIAND	Municipal and Community Affairs (MACA(NWT))	NWT Water Board and DIAND	Govt of Canada Govt of NWT
Yukon North Slope	Northern Yukon, east of Babbage River	Mineral rights are not currently available for disposition.	"Special Conservation Regime" DIAND and EISC	Yukon Water Board and DIAND	Govt of Canada Govt of NWT

DIAND

Department of Indian Affairs and Northern Development, Government of Canada

ILA

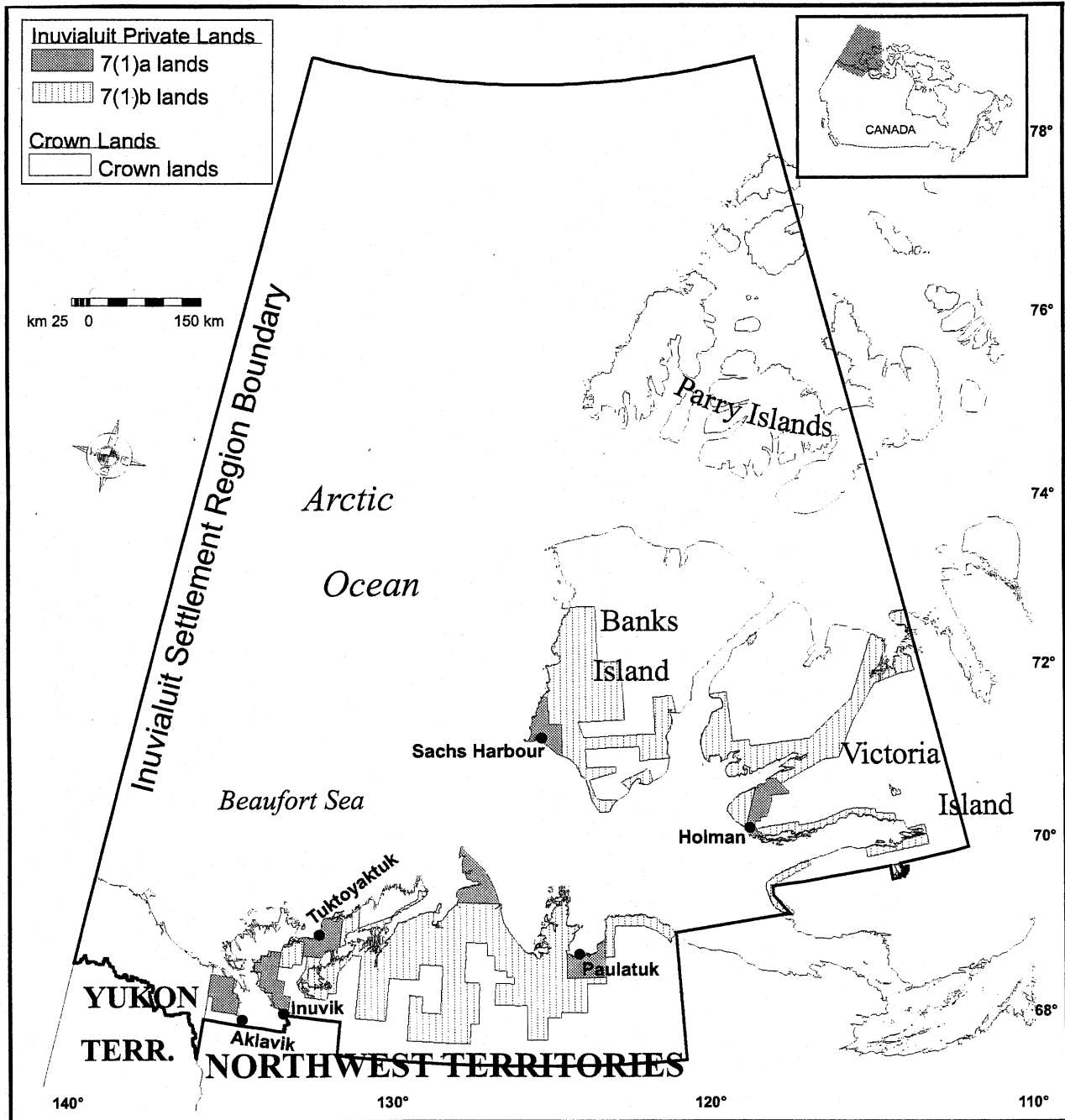
Inuvialuit Land Administration, division of Inuvialuit Regional Corporation

EISC

Environmental Impact Screening Committee, co-management body created pursuant to Inuvialuit Final Agreement. Projects may be referred from the EISC to the Environmental Impact Review Board, or other reviewing agency, for further environmental impact assessment

MAP 1

INUVIALUIT SETTLEMENT REGION
INUVIALUIT-OWNED LANDS AND CROWN LANDS



Produced by: Joint Secretariat - GIS

Chapter 2 THE INUVIALUIT FINAL AGREEMENT (IFA)

The Inuvialuit Final Agreement (IFA) was signed by all parties on June 5, 1984. It is a land claim agreement under section 35(3) of the Constitution Act 1982. The IFA applies throughout the Inuvialuit Settlement Region (ISR) and takes precedence on all matters that it covers. To the extent of any inconsistency between the IFA and any other federal, territorial or municipal law, the IFA prevails to the extent of the inconsistency (IFA section 3(3)).

The legislation implementing the Agreement is the Western Arctic (Inuvialuit) Claims Settlement Act, Bill C-49, 1983-1984.

2.1 Goals (IFA Section 1)

The basic goals of the IFA are three:

- 1(a) To preserve Inuvialuit cultural identity and values within a changing northern society;
- 1(b) To enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and
- 1(c) To protect and preserve the Arctic wildlife, environment and biological productivity.

Essentially, the IFA provides to Inuvialuit a range of rights, benefits and compensation in return for the surrender of their interest in certain lands in the Canadian Arctic coast and offshore, without in any way limiting the rights of the Inuvialuit as Canadian citizens.

2.2 *Beneficiary and Inuvialuit Corporations (Sections 5 and 6)*

The beneficiaries of the IFA are approximately 5,000 Inuvialuit, most of whom live in the ISR in the six settlements of Sachs Harbour, Holman, Paulatuk, Tuktoyaktuk, Inuvik and Aklavik in the Northwest Territories.

The responsibility for receiving and managing the Inuvialuit settlement compensation and benefits resides in a group of corporations owned and controlled by Inuvialuit. Six non-profit Inuvialuit Community Corporations are controlled by the beneficiaries of the community that each represents, and together these community corporations comprise the Inuvialuit Regional Corporation (IRC).

The Inuvialuit Regional Corporation (IRC) is responsible for managing and administering Inuvialuit-owned lands, which it does through the Inuvialuit Land Administration (ILA).

These institutions are described in more detail in Chapter 3 of this Guide.

2.3 Relevance of the IFA to Mineral Prospectors and Developers

The main provisions of the IFA deal with the ownership of land, protection of wildlife and habitat and the role for Inuvialuit in environmental management and decisions related to development. The purpose of this Chapter is to outline the provisions relevant to mineral explorers and developers.

Readers familiar with other northern land claim settlements will find that arrangements obtained by the Inuvialuit differ from those in Nunavut or the Mackenzie Valley. Inuvialuit chose to negotiate for extensive control over certain lands, and over the rest, an advisory role for co-management institutions in which Inuvialuit had guaranteed participation. As a result, the institutions of the IFA are not institutions of public government as they are defined in Nunavut and the Mackenzie Valley. Mineral development proposals undergo different processes in the ISR from those that apply in other parts of the NWT and Nunavut.

2.4 Inuvialuit-Owned Lands (IFA Section 7)

The IFA creates the Inuvialuit Settlement Region (ISR), encompassing the western Arctic coast from the Alaskan border to the Amundsen Gulf, and extending into the Beaufort Sea to include Banks Island, part of Victoria Island and part of the Western Queen Elizabeth Islands. (Map 1)

The IFA transfers land title for 91,000 sq km from the Government of Canada (Crown) to the Inuvialuit, representing 21% of the area that Inuvialuit traditionally used and occupied. Title is vested in the Inuvialuit Land Corporation, which is wholly owned by the IRC. While the lands for which title was transferred can be leased, they can only be sold to other Inuvialuit or to the Government of Canada.

The Inuvialuit Land Corporation holds title to the following lands:

- # **Section 7(1)(a)(i) lands**, in fee simple absolute including all minerals (whether solid, liquid or gaseous) and granular materials. These lands total 11,000 sq km (4,200 sq mi), in blocks of 1800 sq km (700 sq mi) near each of the six communities.
- # **Section 7(1)(a)(ii) lands**, held in a single block of 2,000 sq km (800 sq mi) in Cape Bathurst.
- # **Section 7(1)(b) lands**, in fee simple absolute, excluding oil, gas, related hydrocarbons, coal, native sulphur, and minerals, but including granular materials. These lands amount to 78,000 sq km (30,000 sq mi).
- # **Section 7(2) lands** comprise the beds of all lakes, rivers and other water bodies found within Inuvialuit-owned (7(1)(a) or 7(1)(b)) lands. Surface title is held by the Inuvialuit in fee simple absolute: sub-surface rights are held by Inuvialuit for water bodies on 7(1)(a) lands and by the federal Crown for water bodies on 7(1)(b) lands.

Title to these lands is subject to easements and rights-of-way listed in the IFA.

Blocks of 7(1)(a) and 7(1)(b) lands are generally close to the communities, having been selected from areas that the Inuvialuit considered important for harvesting, traditional use or economic development. These lands are outlined on Maps 1 to 9 in Appendix A.

Anyone considering mineral work in the ISR should check their proposed location in relation to these blocks of land. Regulation of all land use activities and of access across these lands is under the control of the Inuvialuit Land Administration (ILA). Procedures here differ from those on Crown lands. These lands and the processes that apply are described further in Chapters 5 and 7 of this Guide.

2.5 Crown-Owned Lands

The Government of Canada retains ownership of the balance of the land in the ISR. In total, the Crown holds title to 80% of the land in the ISR: this proportion is lowest on the mainland, increasing to 100% in the Western Queen Elizabeth Islands. (Requirements on Crown Lands are described in Chapter 9 of this Guide) In addition the Government of the Northwest Territories administers a small quantum of Commissioner's Lands. (Chapter 10 of this Guide)

2.6 Access To and Across Inuvialuit Lands (IFA Section 7)

Inuvialuit-owned lands are subject to existing alienations granted to other parties in outstanding leases, easements and rights of way. As well, the Government of Canada reserves a right of access on Inuvialuit lands to a 30.5 metre (100 ft) wide strip around the seacoast and shorelines of navigable waters for travel, recreation and emergency purposes. This right of access however does not permit the user to engage in any development activity.

All rights of access to and across Inuvialuit lands are subject to conditions that there be:

- # No significant damage to the lands,
- # No abuse or extension of the right,
- # No mischief committed on the lands, and
- # No significant interference with Inuvialuit use and enjoyment of the lands.

Subject to these conditions, members of the public may cross Inuvialuit lands without prior notice to exercise a right on adjacent Crown lands.

Commercial interests have to comply with more stringent requirements. Mineral rights holders must give prior notice to the Inuvialuit Land Administration (ILA) of their intent to travel across Inuvialuit-owned lands. If the access is for more than preliminary or investigative activities ("of a casual nature") then temporary or permanent rights-of-way need to be negotiated with the ILA before access can occur. These negotiations will address a suitable route or location of access and compensation for damages.

The ILA guarantees access on and across Inuvialuit owned lands for exploration, development and production activities by holders of rights and interests issued by Canada on Inuvialuit 7(1)(b) lands. But first, a developer must pay fair compensation to the Inuvialuit for the access right itself, any damage to Inuvialuit lands, and any lessening of value of Inuvialuit interests in their lands.

Before exercising a right of access, a developer is required to conclude a Participation Agreement with the ILA, unless this requirement is waived by the ILA.

Once access is granted, the ILA assumes no responsibility for damages suffered by the developer and the developer is responsible for damages to the land. Developers who do not comply with access provisions can be denied future access by the ILA.

2.7 Wildlife Compensation (IFA Section 13)

The IFA requires that Inuvialuit be compensated for wildlife harvest loss resulting from development in the ISR. Developers whose activities cause such loss are liable for compensation payable to the Inuvialuit for actual harvest loss, and for the cost of mitigative and remedial measures required to address future wildlife harvest loss. This liability may be shared with other developers found guilty of such damage, but the liability is absolute.

The IFA requires that any proposed development that is likely to cause a negative environmental impact shall be screened: if the result of screening is a determination that a proposed development could have a significant negative impact on present or future wildlife harvesting, then the development will be referred for environmental impact assessment and review. If there is a possibility that damage to wildlife or its habitat may occur, the reviewing agency must recommend terms and conditions relating to mitigative and remedial measures necessary to minimize the impact, and must provide an estimate of the potential liability of the developer based on a worst case scenario. The proponent will be required to demonstrate financial responsibility and may be required to post security with the authorizing agency or the Inuvialuit before receiving permission to proceed.

In the event of a claim for harvest loss, Inuvialuit claimants must within three years of the loss inform in writing the developer alleged to have caused the damage. The onus is on the claimant to demonstrate the loss. Types of compensation that may be claimed include the cost of relocation, replacement of equipment, and material loss of harvest.

If the claimant and the developer cannot come to an agreement on terms for wildlife compensation, the matter can be referred to arbitration under section 18 of the IFA or to the civil courts.

Section 13 of the IFA applies to all lands in the ISR except 7(1)(a) lands. On 7(1)(a) lands, the ILA applies a parallel set of requirements. Mineral operators need to pay close attention to the wildlife compensation provisions, because (as has been the experience with past resource project proposals) the potential liability to a project can be very large. Details on the procedures to address these matters should be discussed with the authority responsible for the lands under consideration.

2.8 Water Management (IFA Section 7)

Under the IFA, the Government of Canada continues to own all waters, and so retains the right to manage and control water for the whole of the ISR, including Inuvialuit-owned lands, for purposes of wildlife management, navigation and flood control and protection of the quality of community water supplies. Water use is managed under the [Northwest Territories Waters Act](#) and applications for water use licences are reviewed by the NWT Water Board. Consideration is now being given to the establishment of a successor board to the NWT Water Board.

2.9 Sand and Gravel (IFA Section 7)

Sand and gravel deposits are managed under a system of use priorities which sets first the needs for community and private use. In order to obtain sand and gravel from Inuvialuit-owned lands, a developer must first obtain a licence or concession from the ILA. A licence or concession may stipulate payment of a royalty, and various cost recovery fees. Where a prospective purchaser of sand and gravel cannot come to terms with the ILA, the matter can be referred to arbitration under section 18.

The IFA permits Inuvialuit and the Government of Canada to identify zones where removal of sand and gravel is prohibited for all or part of a year. Specifically, the IFA dedicates the Ya Ya Lakes eskers to sand and gravel development.

2.10 Participation Agreements (IFA Section 10)

Before exercising a guaranteed right of access, or for access to Inuvialuit-owned lands in order to exercise interests directly on those lands, the rights-holder must negotiate a Participation Agreement with the ILA. These agreements may include provisions for covering costs of permitting and inspection, costs associated with wildlife compensation, habitat restoration, impact mitigation, employment and socio-economic considerations (such as service and supply contracts, education and training, and equity participation). This is discussed further in Chapter 7 of this Guide.

If the rights-holder and the ILA are unable to conclude a Participation Agreement, the matter can be referred for arbitration under section 18 of the IFA.

2.11 Arbitration Process (IFA Section 18)

When developers are unable to negotiate a satisfactory arrangement with the ILA over the terms of Participation Agreements, wildlife compensation, habitat restoration and impact mitigation, or for sand and gravel contracts, the matter can be referred to arbitration. The Arbitration Board provided for in the IFA also has authority to resolve other matters, such as land use disputes and conflicting subsurface resource claims. Awards made by the Arbitration Board are subject to review by the Federal Court of Appeal.

2.12 Laws of General Application (IFA Section 7)

Laws of general application apply to all lands in the ISR.

On Inuvialuit-owned lands, the Inuvialuit enjoy all the rights of private property owners under laws of general application. The main difference on Inuvialuit-owned lands is the authority of the ILA to administer surface land use, and in the case of 7(1)(a) lands, to administer subsurface rights.

The ILA has the authority to set terms and conditions for environment and safety that equal or exceed laws of general application. This authority applies to the disposal of rights for minerals, oil and gas, and sand and gravel on Inuvialuit-owned lands.

2.13 Environmental Impact Screening and Review Process

Section 11 of the IFA establishes a formal Environmental Impact Screening and Review Process to examine proposed developments that are subject to screening. The IFA requires that unless the provisions of section 11 have been complied with, government shall not issue any licence or approval that would allow any proposed development to proceed.

For a proposed development that is subject to the process, or in respect of which a screening has been requested by the Inuvialuit, the first step is **screening** of the proposed development by the Environmental Impact Screening Committee (EISC). If the EISC finds that the proposal could have a significant negative impact, the project can be referred for further **review**, by the Environmental Impact Review Board (EIRB) or by another review authority.

Not all proposed developments in the ISR are subject to the IFA Environmental Impact Screening and Review Process: some very low impact activities on Crown lands may be exempt, and developments on Inuvialuit-owned lands may be, but are not necessarily, subject to screening. This is also discussed in Chapter 4 of this Guide.

2.14 Economic Provisions (IFA Section 16)

The equal participation of Inuvialuit in the northern economy and society is one of the fundamental goals of the IFA. Several measures in the IFA are intended to advance this goal. The following are relevant to mineral development:

- # The federal government agrees that for any application for exploration, development or production rights on Crown lands and on 7(1)(b) lands, general government guidelines on socio-economic matters, including employment, training and business opportunities will be applied to favour the Inuvialuit.
- # Developers who want access across or to Inuvialuit-owned lands, or who want Mineral Concessions on 7(1)(a) lands, are required to negotiate Participation (or Access) Agreements that cover a range of socio-economic benefits.
- # Developers may also negotiate a Cooperation Agreement with the Inuvialuit Land Administration, toward an agreed framework for negotiating Participation Agreements for a range of possible future activities. The ILA may voluntarily conclude Cooperation Agreements with respect to the objectives in section 16(11) of the IFA.
- # The Inuvialuit have a right to be awarded publicly tendered government contracts to develop resources on Crown lands, if they submit the best proposal. (IFA section 16(10).
- # The Inuvialuit Development Corporation may hold up to 10 prospecting permits and 25 mining claims at any time.
- # Under the Territorial Coal Regulations, Canada agrees to issue to Inuvialuit, free of charge, local-use coal permits to explore, to develop, and to mine coal in the ISR for community use and regional industrial use by the Inuvialuit Development Corporation.

2.15 Land Use Planning (IFA Section 7)

Section 7 of the IFA provides for Land Use Planning. The Mackenzie Delta-Beaufort Delta Land Use Plan was completed in 1991, however this has largely been superceded by planning and consultation processes under the aegis of the Inuvialuit Renewable Resources Conservation and Management Plan (1988). Under this initiative, the Wildlife Management Advisory Council (NWT) works with each of the communities to develop and update Community Conservation Plans, which set out areas of environmental sensitivity or cultural value for each community. These Community Conservation Plans are important tools for developers interested in an area, and provide a good foundation for consultation. (Refer also to Chapter 6, s. 6.2.1.)

The Department of Indian Affairs and Northern Development (DIAND) compiles information from Community Conservation Plans on an Environmental Sensitivity Map, which is attached to all Prospector's Licences. This Map is attached as Map 3 in Appendix A.

The Inuvialuit Final Agreement (IFA) provides for the establishment of three sets of institutions:

- # **Co-management institutions**, that include representation from both the Inuvialuit and the federal and territorial governments. Administration and technical support for these institutions is provided by the Joint Secretariat, which is a useful first point of contact;
- # **Inuvialuit institutions**, that represent the interests of beneficiaries and that manage Inuvialuit settlement lands and funds; and
- # **Community level organizations**, namely Community Corporations and Hunters and Trappers Committees.

Contacts and addresses for each of these organizations are listed in the Directory in Appendix D.

3.1 Co-Management Institutions

An environmental co-management system has been developed to meet the goals of the IFA. Inuvialuit and the governments of Canada, Northwest Territories and Yukon share management responsibilities for the ISR. Five joint Inuvialuit-government boards and committees exercise co-operative management of wildlife, habitat and the environment. These joint institutions are:

- # **Wildlife Management Advisory Council (Northwest Territories)** (WMAC (NWT))
- # **Wildlife Management Advisory Council (North Slope)** (WMAC (North Slope))
- # **Fisheries Joint Management Committee** (FJMC)
- # **Environmental Impact Screening Committee** (EISC)
- # **Environmental Impact Review Board** (EIRB)

An organization chart of resource management under the IFA is included in Appendix B to this Guide.

3.1.1 Institutions for Co-Management of Wildlife

Wildlife Management Advisory Council (NWT)

WMAC (NWT) has jurisdiction over the portion of the ISR in the Northwest Territories (including adjacent nearshore and offshore waters). This Council has seven permanent members representing Canada (one member), the Government of NWT (two members) and Inuvialuit (three members). The Chairman is appointed by the Government of NWT with the consent of Inuvialuit and Canada.

The WMAC (NWT) performs the following functions:

- # Advises federal and territorial government Ministers on wildlife legislation, policy and management in the Western Arctic;
- # Maintains the Inuvialuit Renewable Resource Conservation and Management Plan (1988) which outlines goals and principles for conservation in the Western Arctic;
- # Assists communities to develop Community Conservation Plans;
- # Participates (through membership) in research on grizzly bears, caribou, wolves and other wildlife;

- # Advises wildlife management boards, land use commissions, and institutions of the IFA Environmental Screening and Review Process on wildlife issues relating to the Western Arctic;
- # Determines and recommends Inuvialuit harvesting quotas for caribou (and other migratory animals in the IFA) inside or outside the Western Arctic Region; and
- # Requests (if appropriate) the participation of Hunters and Trappers Committees when the Council manages the subsistence harvest.

Wildlife Management Advisory Council (North Slope)

The jurisdiction of the WMAC (North Slope) is the Yukon portion of the ISR, although some of its powers may extend into the NWT. The four person membership represents the Inuvialuit and the governments of Canada and the Yukon. This Council is responsible for advising federal and territorial government ministers on all Yukon North Slope wildlife and habitat issues.

The IFA establishes for the Yukon North Slope a “Special Conservation Regime”, the purpose of which is to conserve wildlife, habitat and traditional use, however final arrangements have not yet been ratified. As well, two parks have been established in the Yukon North Slope area: the Ivvavik National Park and Herschel Island Territorial Park. The remaining area, extending from the Babbage River on the west to the Yukon-NWT border, will be subject to the “Special Conservation Regime”, however at this time, these lands are not available for mineral disposition, pursuant to a Withdrawal and Prohibition Order dated 1985. (Chapter 11 of this Guide.)

The WMAC (North Slope):

- # Participates in management of the two parks;
- # Has prepared a Conservation and Management Plan for the North Slope;
- # Supports and participates in wildlife and habitat research;
- # Advises Ministers on wildlife policy and management;
- # Works with Inuvialuit to promote the wise use of resources and sound environmental management.

Fisheries Joint Management Committee (FJMC)

This Committee has a Chair and four members: two representing the Inuvialuit and two appointed by the federal Minister of Fisheries and Oceans.

The FJMC assists the Inuvialuit and the Government of Canada to manage ISR fisheries and:

- # Advises the Minister of Fisheries and Oceans on fisheries issues;
- # Collects harvest information and recommends subsistence quotas for fish and harvesting quotas for marine mammals;
- # Holds public meetings in each community to exchange information and concerns about the fisheries;
- # Sponsors research, assessment and monitoring projects which use the knowledge and efforts of resource users and scientists;
- # Manages a public registration system for fishing on Inuvialuit lands, and for entry on Inuvialuit 7(1)(b) lands for fishing;
- # Restricts the public right of access to Inuvialuit 7(1)(b) lands for fishing (where required for conservation purposes, or to prevent interference with Inuvialuit activities or use of land).

Environmental Impact Screening Committee (EISC)

This Committee has a Chair and six permanent members; three appointed by Canada, representing each of the governments of Canada, Yukon and Northwest Territories, and three by the Inuvialuit. A Chair is appointed by the federal government with the consent of the Inuvialuit.

For each screening a Panel comprising the Chair and four of the permanent members is set up. There is provision in the IFA for adding a Panel member from adjacent claims areas that may be negatively affected, provided that like representation is available to the Inuvialuit for screening processes in those adjacent areas.

After reviewing the evidence, the EISC makes a determination on whether there is potential for significant negative impact. The EISC then advises the regulatory authority on whether in its view the project may proceed, or should be subject to further review, or has such deficiencies that a new Project Description is required.

The Screening Process is described in Chapter 4.

Environmental Impact Review Board (EIRB)

The EIRB has six permanent members; three appointed by Canada, representing each of the governments of Canada, Yukon and Northwest Territories, and three by the Inuvialuit. A Chair is appointed by the federal government with the consent of the Inuvialuit.

The EIRB reviews all projects referred to it by the EISC.

For a review, a Panel, consisting of two Inuvialuit, two government-appointed members and the Chair, is selected from the Board membership. The territorial nominee comes from the territory in which the development would occur. In parallel with the provision for the EISC, there is provision for adding a Panel member from adjacent claims areas that may be negatively affected, provided that like representation is available to the Inuvialuit for review processes in the adjacent areas.

After reviewing the evidence, the Review Panel recommends to the regulatory authority whether or not the development should proceed and if so on what terms and conditions. It can also recommend further review. The Review Panel must also estimate the potential liability of the developer, determined on a worst case scenario, for the development. The Review Process is described further in Chapter 4.

For a project that is referred to the EIRB, no decision or approval can be issued that would allow the project to proceed until the EIRB has issued its recommendations.

3.2 Inuvialuit Institutions

3.2.1 *Inuvialuit Regional Corporation (IRC)*

The Inuvialuit Regional Corporation (IRC) was established with the overall responsibility of managing the affairs of the ISR to achieve the objectives in the IFA. Within its mandate, the IRC receives the Inuvialuit lands and financial compensation for transfer to the various subsidiary corporate entities.

The IRC and its subsidiaries are directly controlled by Inuvialuit beneficiaries through a democratic process. Each of the six communities with the ISR has a community corporation with elected directors. The Chairs of the community corporations form the IRC Board of Directors. The Chair/CEO of IRC is elected by the directors of the six community corporations.

IRC wholly owns the Inuvialuit Development Corporation, the Inuvialuit Land Corporation, the Inuvialuit Investment Corporation, the Inuvialuit Mining Corporation and the Inuvialuit Petroleum Corporation. This group of corporations is known as the Inuvialuit Corporate Group. An organization chart of the Inuvialuit Corporate Group is included in Appendix B.

The IRC or ILA may recommend referral of development proposals for Inuvialuit-owned lands to the Environmental Impact Screening Committee (EISC).

3.2.2 *Inuvialuit Land Administration (ILA)*

The Inuvialuit Lands Administration (ILA) is a division of the IRC. It is based in Tuktoyaktuk and is responsible for administering and managing lands received under the IFA. The ILA:

- # Receives and approves applications for access and use of Inuvialuit-owned lands;
- # Ensures Inuvialuit receive business, employment and training benefits from activities on their lands;
- # Monitors land use operations to ensure the protection of the land and environment.

Developers wishing to work on or to travel across Inuvialuit-owned lands must apply to the ILA for authorization. The ILA processes applications for rights, such as land use permits, permanent and temporary rights-of-way, commercial leases, reconnaissance permits and mineral and coal concessions.

The ILA, with participation from other Inuvialuit organizations, also negotiates with developers the terms of Participation, Access and Cooperation Agreements.

These authorizations and processes are described further in Chapter 7 of this Guide.

3.2.3 Inuvialuit Game Council (IGC)

The Inuvialuit Game Council (IGC) is an incorporated society which represents the collective Inuvialuit interest in wildlife. IGC has a Chair and at least one representative from each Hunters and Trappers Committee.

The IGC's responsibilities are to:

- # Appoint Inuvialuit members for:
 - ▶ All joint Inuvialuit/government bodies with interests in wildlife,
 - ▶ Any Canadian delegation that deals with international wildlife matters,
 - ▶ Any group whose purpose is to investigate any aspect of wildlife.
- # Advise government through WMAC on
 - ▶ Policy and administration of wildlife conservation,
 - ▶ Existing and proposed legislation for wildlife,
 - ▶ Any proposed Canadian position on international wildlife matters.
- # Assign community hunting areas;
- # Allocate Inuvialuit quotas among communities;
- # Assist the WMAC on request.

3.3 Community Institutions

3.3.1 Community Corporations (CC)

Each of the six communities has a Community Corporation. Each Community Corporation has input into any development activity that is approved by the ILA on the block of Inuvialuit 7(1)(a) lands near the community.

- # ***Aklavik Community Corporation***
- # ***Inuvik Community Corporation***
- # ***Tuktoyaktuk Community Corporation***
- # ***Sachs Harbour Community Corporation***
- # ***Paulatuk Community Corporation***
- # ***Holman Community Corporation***

Applications for permits for work on Inuvialuit-owned lands are circulated to the appropriate Community Corporation for comment regarding potential impacts and business opportunities. Community Corporations can request through the IRC that a project on Inuvialuit-owned lands be referred to the EISC for Screening.

3.3.2 Community Hunters and Trappers Committees (HTC)

Each of the six communities has a Hunters and Trappers Committee (HTC).

- # ***Aklavik Hunters and Trappers Committee***
- # ***Inuvik Hunters and Trappers Committee***
- # ***Tuktoyaktuk Hunters and Trappers Committee***
- # ***Sachs Harbour Hunters and Trappers Committee***
- # ***Paulatuk Hunters and Trappers Committee***
- # ***Olokhtomiut (Holman) Hunters and Trappers Committee.***

The role of the HTC is to:

- # Advise the Inuvialuit Game Council on local wildlife matters;
- # Make bylaws regarding the exercise of certain Inuvialuit preferential harvest rights under the IFA;
- # Sub-allocate quotas; and
- # Are consulted by the EISC before a screening determination is made.

3.3.3 Holman Community Conservation Committee

The community of Holman has established a Conservation Committee to deal with matters relating to land use. This committee includes representatives from the Community Corporation, the Hunters and Trappers Committee and the Hamlet. It provides a valuable point of contact for mineral operators wishing to work in the vicinity of Holman.

Contact: Secretary, Community Conservation Committee, Holman

References:

Inuvialuit Final Agreement, June 5, 1984

Western Arctic (Inuvialuit) Claim Settlement Act, Bill C-49, 1983-84

"Co-Management in the Western Arctic and North Slope", Pamphlet prepared by the Joint Secretariat
The Directory in Appendix D provides contact numbers for each of the institutions listed in this Chapter.

The authorities for the IFA Environmental Impact Screening and Review Process and its application to projects on Crown Land are the Environmental Impact Screening Committee and the Environmental Impact Review Board, and their respective guidelines and procedures.

Contact: Secretary, Environmental Impact Screening Committee
Reference: EISC Operating Guidelines and Procedures
Contact: Secretary, Environmental Impact Review Board
Reference: Operating Procedures

For projects on Inuvialuit-owned lands, the authority is the Inuvialuit Land Administration (ILA)..

Contact: Administrator, Inuvialuit Land Administration
Reference: ILA Rules and Procedures

This Chapter offers general background on the requirements. For specific information, refer to the contacts in the Inuvialuit institutions.

4.1 Application of the Process: To Which Projects?

The IFA mandates that “no licence or approval shall be issued that would have the effect of permitting any proposed development to proceed unless the provisions of the Environmental Impact Screening and Review Process have been complied with” (IFA s. 11(31)).

So before government regulators can approve or developers start any development in the onshore or offshore, the requirements of Chapter 11 of the IFA must be met. This does not mean that all developments must go through screening and review, but it does mean that those that are subject to screening or in respect of which screening is requested by the Inuvialuit must go through the process as defined before the development can be authorized.

The IFA Environmental Impact Screening and Review Process consists of two stages:

- # **Screening**, which is mandatory for development proposals that meet the criteria listed below; and
- # **Review**, which may or may not be required depending on the conclusions of the Screening Process

4.1.1 Developments that Require Screening

Development has a highly specific meaning in the IFA. In relation to commercial mineral activity, “**development**” is defined as **any** commercial or industrial undertaking or venture, including support and transportation facilities relating to the extraction of non-renewable resources from the Beaufort Sea, other than commercial wildlife harvesting.

A “**developer**” is defined as a person, the government or any other legal entity owning, operating or causing to be operated any development in whole or in part in the Inuvialuit Settlement Region, and includes any co-contractant of such owner or operator. (Definitions Section, IFA)

Section 11 of the IFA stipulates that the following will be subject to environmental impact screening:

- (1)(a) Developments of consequence to the Inuvialuit Settlement Region that are likely to cause a negative environmental impact (IFA section 13(7));
- (1)(b) Developments in the Yukon North Slope (however this area is not currently open to mineral activities;
- (1)(c) Developments in the ISR, in respect of which Inuvialuit request environmental screening;
- (1)(d) Developments in areas where the traditional harvest of the Gwich'in or Sahtu Dene may be adversely affected: this would be on request, and subject to agreement with Inuvialuit.

When a regulatory agency informs the EISC that an application for a licence or permit has been made, the EISC will advise the developer of the requirements for screening. The EISC will also advise developers when a request for screening has been made under section 11(1)(c) or (d). However it is ultimately the developer's responsibility to submit a project description to the EISC for any proposed development subject to the IFA Environmental Impact Screening and Review Process. Under section 11(31), no licence or approval shall be issued that would have the effect of permitting any proposed development to proceed unless the provisions of section 11 have been complied with.

Examples of activities subject to screening are scientific research and camps, granting of water rights, industrial waste disposal, energy, mineral and aggregate exploration and extraction and commercial transportation developments

Section 11(2) of the IFA distinguishes between onshore and offshore developments for the purposes of screening and review. However by letter dated April 10, 1987 the Inuvialuit Game Council gave DIAND formal notice that under s. 11(1)(c) all developments in the offshore on Crown lands within the ISR are to be submitted for screening.

The requirements for screening of proposed developments are different on Inuvialuit-owned lands from those on Crown lands. A proposed development on Inuvialuit-owned lands **may** be, but is not necessarily, referred for screening or review.

4.1.2 Exemption from Screening

According to the EISC Operating Guidelines and Procedures, it is the basic premise of the Screening Committee that **all** proposed developments on Crown lands in the ISR, both onshore and offshore, are likely to have **some** negative effect on the environment and are potentially subject to screening. However not all activities are likely to have a **significant** negative impact. The EISC has determined that certain classes of activities may be exempt from screening, and these are listed in Appendix C of the EISC Operating Guidelines and Procedures.

To determine whether a proposed activity **on Crown land** may be exempt, developers are advised to consult the EISC.

Contact: Secretary, Environmental Impact Screening Committee
Reference: Exemptions from Screening on Crown Lands

The situation is different for developments on **Inuvialuit-owned lands**. On these lands, the ILA issues the permits for land use. To determine whether a proposed development on Inuvialuit 7(1)(a) or 7(1)(b) lands may be exempt, the proponent should contact the ILA Administrator. Proposed developments may be referred for

screening, for instance if there are concerns about negative environmental impacts, but not all developments are referred.

Contact: ILA, Administrator
Reference: Exemptions from Screening on Inuvialuit Owned Lands

4.2 IFA Environmental Impact Screening Process

A development that is subject to the IFA Environmental Screening and Review Process goes first to the Environmental Impact Screening Committee (EISC). No government permits or approvals for activity on Crown lands can be issued until the EISC has completed its determination. Most applications are dealt with fully by the EISC without having to go to the Environmental Impact Review Board (EIRB) for further assessment.

4.2.1 *Scheduling the Screening Process*

Developers should first contact the Secretary of the EISC to discuss the Screening Process and to obtain the current version of the EISC Operating Guidelines and Procedures. The key requirements of the developer are consultation and preparation of a detailed Project Description. Because both these requirements can take considerable time, it is recommended that contact with the EISC be made well in advance of the time the permit is required.

The Secretary can also advise on the procedures for scheduling the EISC's consideration of the application. Developers should be aware that the EISC is not a full-time standing body. Only the Secretary is available for day-to-day business. Meetings are held about every six weeks, normally in Inuvik. A tentative meeting schedule is available from the Secretary. The date and location of a meeting is confirmed at the previous meeting. Procedures require that the proponent prepare the Project Description and deliver it to the Committee at least 30 days before the next meeting. Screening usually occurs in 50 days or less after the submission is received.

4.2.2 *Consultation Requirements*

When preparing the Project Description, the developer is urged to consult thoroughly with each of the Inuvialuit organizations and the co-management bodies set up pursuant to the IFA.

Addresses and contact numbers for each of the agencies mentioned below are listed in Appendix D.

Community Consultation

The first line of consultation should be with the Hunters and Trappers Committee (HTC) whose members may be affected by the proposal. The EISC regards the HTC as a key element of the co-management system, and the focal point for consultation. An account of this consultation is required as part of the Project Description.

If an HTC is not consulted before the Project Description is prepared, it may request a delay to allow time to

examine the Project Description before screening begins. Generally the EISC will not screen project descriptions until community consultation is complete and the results are available to the EISC.

An important consideration when planning community consultation is that the availability of members of the HTC varies with the demands of hunting and fishing seasons. It is very difficult for instance to plan meetings between May and August, when hunting priorities draw HTC members out on the land.

In addition to consultation with the HTC, proponents are expected to consult with the umbrella Inuvialuit co-management organizations, in particular the Fisheries Joint Management Committee (FJMC) and the Wildlife Management Advisory Council (NWT and/or North Slope).

Government Consultation

The developer is required to provide to the EISC a list of all government approvals required. To prepare this list, to obtain other relevant information, and to anticipate requirements for project planning, the proponent will have to contact the relevant federal and territorial government departments and agencies.

Chapters 5 to 9 list regulatory requirements that apply to different stages of activity on various types of land, and note contacts in the agencies.

4.2.3 *The Project Description*

Screening of a proposal proceeds through the following sequence: submission of the Project Description, processing, screening, decision, notification and, if necessary, referral to the review stage.

It is the responsibility of the proponent to prepare the Project Description that starts the process, and this can be a substantial undertaking. The purpose of the Project Description is to provide the EISC with sufficient information on the proposed development to permit the EISC to make an adequate preliminary assessment of the project and its environmental impact.

The requirements for content and format of the Project Description are set out in the EISC Operating Guidelines and Procedures. The Project Description must include summaries of consultation with regulatory agencies and with communities, an overview of the proposal, an environmental overview of the area, an environmental impact assessment, as well as proposed mitigation, contingency plans and reclamation plans.

It is important not to under-estimate the time required to prepare the Project Description. The time and effort committed to ensuring a complete and sound Project Description can do much to expedite the authorization process.

The EISC would prefer to consider proposals that cover as many of the components of mineral exploration and/or development as possible. The problem with mineral exploration is that it typically proceeds in fits and starts, with a high risk that the results of initial work will not justify proceeding to the next phase. The requirement is that the proponent provide as complete a picture as possible of the proposed development for which approvals are being sought. If the development is modified, the developer is required to submit a new Project Description identifying the proposed amendments.

4.2.4 Screening Determination

After receiving the Project Description, the Secretary of the EISC will put the item on the agenda for a future meeting of the EISC, and/or may request supplementary information. Project Descriptions are discussed by the EISC as a whole, following which a screening panel is formed. Each Screening Panel consists of the Chair and four EISC members; two appointees of Canada and two appointees of the Inuvialuit.

The Screening Panel will base its deliberations on the Project Description, but will also draw on other sources of information and comment, including the Hunters and Trappers Committees, Community Conservation Plans, Wildlife Management Plans, the Inuvialuit Harvest Study, the co-management bodies, government agencies, the public and communities.

After completing these deliberations, the Screening Panel will issue its determination, advising the government authority that, in its view:

- # The development has no significant negative impact and may proceed without further Review; **or**
- # The development could have significant negative impact and will be subject to further Review under the IFA; **or**
- # The proposal has deficiencies that warrant an end to consideration unless and until another project description is submitted.

In the first instance, the matter goes to the government regulatory authority for a decision. It should be noted that the mandate of the EISC is advisory: the final decision of the regulator (for example on the terms and conditions attached to a Land Use Permit or other authorization) may or may not precisely reflect the EISC's comments, but typically the EISC advice is taken very seriously.

In the second instance, the proposal is sent on either to the EIRB, or to another government review authority (such as the NWT Water Board or the Canadian Environmental Assessment Agency). The large majority of developments are fully dealt with by the EISC and do not go on to further review.

In the third instance, the proponent can alter the proposal and prepare a new Project Proposal or may choose to withdraw completely.

A flow chart for the EISC process is provided in Appendix B.

4.3 IFA Environmental Impact Review Process

The Review Process described in section 11 of the IFA is the purview of the Environmental Impact Review Board (EIRB). A flow chart for the EIRB process is provided in Appendix B to this Guide.

The EIRB has a structure balanced equally between the parties to the IFA. It is neither a government nor an Inuvialuit organization, but must remain independent and non-partisan. Appointees to the Board are expected to participate as experienced, independent citizens, not as representatives of jurisdiction or viewpoint. Three members are appointed by the Inuvialuit Game Council (IGC), and three by the Government of Canada, one of whom is nominated by the federal government, and one each by the governments of Yukon and NWT. A Chair is appointed by Canada with the consent of the Inuvialuit.

4.3.1 *Review Procedures*

The EIRB is required to conduct a public review for each project referred to it by the EISC. In each case, the review is conducted by a Panel of four selected from the permanent members of the EIRB, plus the Chair. There is provision for adding a Panel member from adjacent claims areas that may be negatively affected, provided that like representation is available to the Inuvialuit for review processes in the adjacent areas.

Based on the public review, the Review Panel recommends whether a proposed development should proceed, and if so under what terms and conditions. Terms and conditions will include mitigative measures and remediation, and wildlife compensation. The Review Panel provides an estimate of the potential liability of the developer, determined on a worst case scenario. The Review Panel may also recommend that further review is required.

In the case of mineral development on Crown lands, the recommendations of the EIRB go to the Minister of Indian Affairs and Northern Development (DIAND). In the case of mineral developments on 7(1)(a) or 7(1)(b) lands that have been referred to the Review Board, the recommendations go to the Inuvialuit Land Administration.

For a project that is referred to the EIRB, no decision or approval can be issued to allow the project to proceed until the EIRB has issued its recommendations. Then, the regulatory authority must consider the decision of the Review Panel. If the authority is unwilling, or unable to accept any recommendations of the Review Board or wishes to modify any of the recommendations it shall give reasons in writing, but must do so within 30 days stating why it has not accepted the recommendations.

Special duties of the EIRB are:

- # If there is a possibility that damage to wildlife or habitat may occur, to recommend terms and conditions relating to mitigative and remedial measures to minimize impact on wildlife harvesting;
- # To set environmental standards in the Husky Lakes and Cape Bathurst areas;
- # To take into account specific criteria in consideration of any development proposals for the Yukon North Slope.

4.3.2 *Process for the Proponent*

Once a project has been referred, the EIRB secretary will forward a copy of the Operating Procedures to the proponent, and staff will meet with the proponent to explain the requirements. The proponent is required to submit to the EIRB an Environmental Impact Statement (EIS), which then becomes the basis for the review. The requirements for the EIS are set out in the Operating Procedures s.10. These requirements have been amended recently to match those of the Canadian Environmental Assessment Act (CEAA) more closely.

Within thirty days of receiving the EIS, the EIRB will meet and will decide (among other matters) what procedure should be followed for the review. There are three options: the Small-Scale Development Procedures (SSD), the Standard Public Review Procedures (SPR), or a variation of either of these.

The experience to date is for reviews to take from two to four months. This is much faster than reviews under the Canadian Environmental Assessment Act: the Review Board benefits from being a standing board, with procedures well-established, and with preliminary work already prepared by the EISC.

Review cases have been few in number, reflecting generally low levels of activity in the ISR the past few years. Few cases that have been screened actually go to the Review stage. Of some 400 cases screened, fifteen

have been referred, and of these three progressed to the Review stage.

Each case is screened and decided on its own merits, however it is likely that a proposal for mineral development would go to review by the EIRB. Whether a proposal for advanced exploration or bulk sampling would be referred would depend on the details of the project.

Contact: Secretary, Environmental Impact Review Board, Inuvik
Reference: Operating Procedures, October 30, 1997

4.3.3 Relationship to Federal Environmental Assessment

The IFA Environmental Impact Screening and Review Process does not relieve the federal government from its obligations to ensure that a development meets the requirements of the Canadian Environmental Assessment Act. In a Memorandum of Understanding recently concluded, the Minister of the Environment has agreed in principle that a review by the EIRB may be permitted to substitute for a review under the Canadian Environmental Assessment Act, but that such substitution will only be considered on a case-by-case basis. (This is discussed further in Chapter 12 Section 5.)

Contact: Secretary, Environmental Impact Review Board, Inuvik
Reference: Memorandum of Understanding, Substitution under CEAA

References:

Environmental Impact Screening Committee, Operating Guidelines and Procedures, February 1999
Environmental Impact Review Board, Operating Procedures, October 30, 1997
Inuvialuit Land Administration, Rules and Procedures, 1986
Inuvialuit Final Agreement, 1984
Refer to Appendix B of this Guide for flow charts, and to Appendix D for contact numbers and addresses .

Chapter 5 DOING MINERAL WORK IN THE ISR

In Canada, the authority to pass laws and regulation in relation to lands and resources is held by the Crown, specifically by the federal government and, south of 60, by provincial governments. An important difference between the provinces and the northern territories is that in the North the federal Crown owns and controls most of the lands and resources, and retains authority over mineral rights and activities.

5.1 Legislation on Mineral Rights and Land Use

For mineral explorers and developers planning to work in the Inuvialuit Settlement Region (ISR), the prime determinant of the mineral and land use legislation you must deal with is ***the type of land on which you plan to work***. As outlined in Table 5.0 and Figure 2, there are different authorities and different legislation and processes for each type of land.

The Inuvialuit Final Agreement (IFA) of 1984 settled land ownership in the ISR and defined a role for the Inuvialuit in governance, especially in environmental management, in the ISR. Specifically, the IFA transferred ownership of selected lands from the federal Crown to Inuvialuit. As a result, Inuvialuit own the surface and subsurface rights to 13,000 sq km and the surface rights (including rights to granular resources) to 78,000 sq km. The total area of the ISR is 450,000 sq km. The remaining land in the ISR (about 80%) remains federal Crown land (by far the largest proportion) or Commissioner's land.

The term "Inuvialuit land" can be confusing. Strictly speaking, the term just applies to the lands for which title was transferred to Inuvialuit under specific sections of the IFA, i.e. under section 7(1)(a) for both surface and subsurface rights, or under section 7(1)(b) for the surface rights alone. Sometimes, these are called "7(1)(a)" or "7(1)(b)" lands, or "Inuvialuit-owned lands". The problem is that reference is often made to "Inuvialuit land", meaning all the land in the ISR, regardless of ownership.

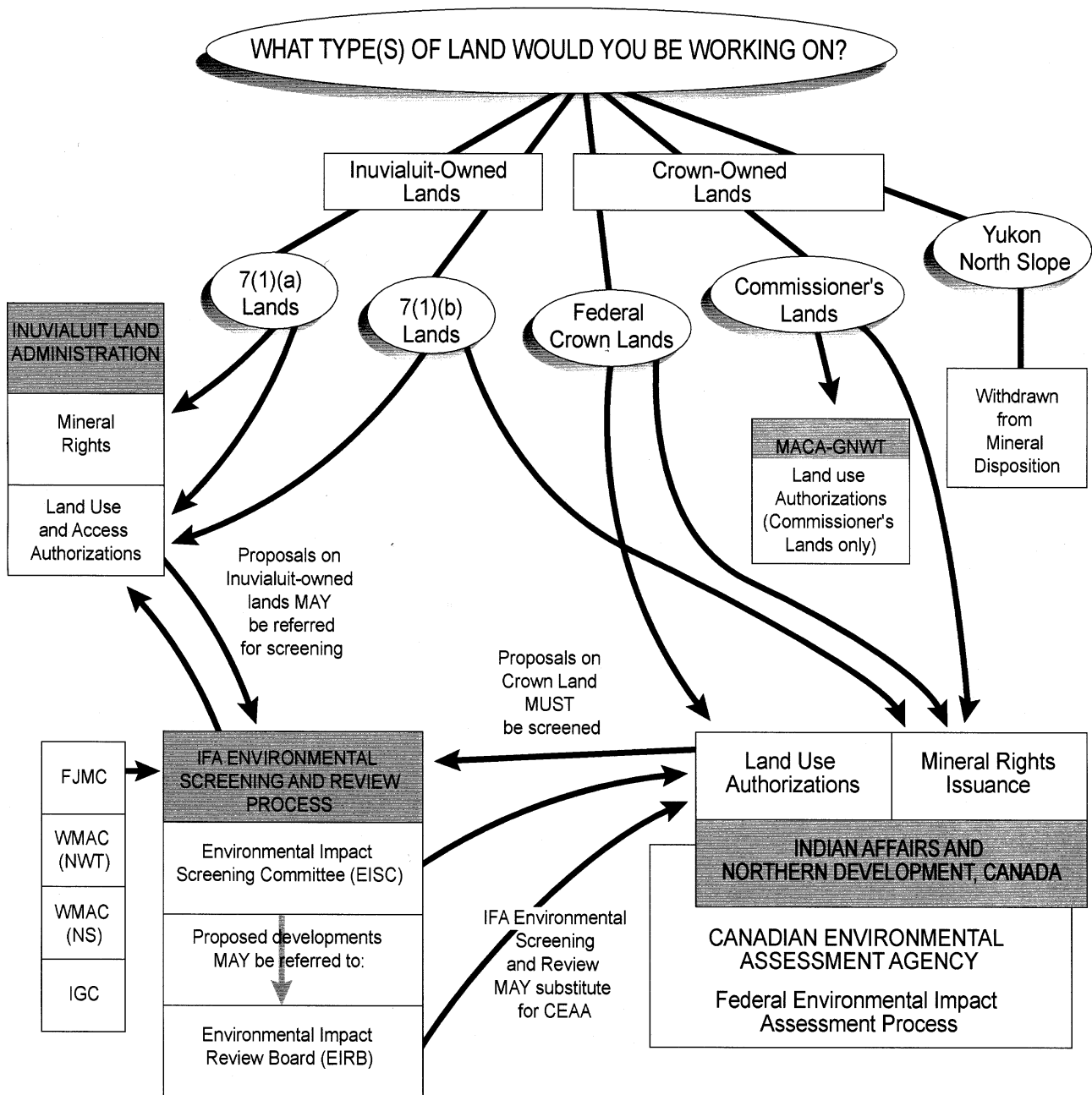
The distinction is important because the ILA is the authority over land use decisions on the 7(1)(a) and 7(1)(b) lands, and also issues the mineral rights on 7(1)(a) lands. Elsewhere in the ISR, you must apply to the federal Crown for mineral rights, and either to the federal Crown for land use permits on federal land or to the Government of the Northwest Territories for land use permits on Commissioner's lands.

This Guide uses the term ***Inuvialuit-owned lands*** to refer to lands for which the Inuvialuit hold the surface rights (Section 7(1)(b) lands), and those lands for which Inuvialuit hold surface and sub-surface rights (Section 7(1)(a) lands).

The following sections describe each type of land in the ISR. The boundaries of these land areas are outlined on Maps in Appendix A, however for precise locations contact the Mining Recorder's Office in Yellowknife, where Claim Sheets, Surface Maps and Withdrawal Maps can be consulted.

Contact: Mining Recorder's Office, DIAND, Yellowknife
Reference: Claim Sheets, Surface Maps and Withdrawal Maps

**FIGURE 2
AUTHORITIES FOR LAND USE
AND MINERAL RIGHTS IN THE ISR**



5.2 Inuvialuit-Owned Lands

5.2.1 *Inuvialuit 7(1)(a) Lands*

So-called after section 7(1)(a) of the IFA. Here, the Inuvialuit hold fee simple absolute title to the surface of the lands and subsurface title to all mines and minerals (**including** all minerals whether solid, liquid, gaseous and all granular materials).

For these lands, the Inuvialuit are in effect private landowners. The lands are not federal lands and any federal jurisdiction over the lands derives from the IFA.

These lands amount to 13,000 sq km in blocks of 1,800 sq km near each of the six communities (under s. 7(1)(a)(i)) and a single block of 2,000 sq km on Cape Bathurst (under s. 7.(1)(a)(ii)). These areas are outlined on Maps 1 to 9 in Appendix A.

Two blocks of 7(1)(a) lands have unique status. A block on Cape Bathurst is designated as a Special Development Area, and is subject to environmental protection criteria established by the Environmental Impact Review Board (EIRB). One other block of 7(1)(a) land occupied by pingos just to the west of Tuktoyaktuk was identified in the IFA as a site for “Landmark Status”. The ILA has recently re-commenced discussions of a protected area status for this site.

On 7(1)(a) lands, the Inuvialuit have extensive powers including the disposition and administration of mineral resources. Here, it is the Inuvialuit Land Administration (ILA) that issues rights to explore for and develop mineral resources, and issues permits to use the land surface. Refer to Chapter 7 of this Guide.

5.2.2 *Inuvialuit 7(1)(b) Lands*

Here, the Inuvialuit hold fee simple title in the lands, excluding mines and minerals, (i.e. **excluding** oil, gas, other hydrocarbons, coal, sulphur and minerals) but including granular materials. The federal government holds subsurface title to mines and minerals (but not granular materials) and retains jurisdiction over them subject to the IFA. The quantum is approximately 78,000 sq km.

The definition of minerals is the same for 7(1)(b) lands as for Crown Lands: excluded from the definition are construction stone, carving stone, limestone, soapstone, marble, gypsum, shale, clay, sand, gravel, volcanic ash, earth, soil and diatomaceous earth, ochre, marl and peat. ([Canada Mining Regulations](#), IFA Annex M).

Certain 7(1)(b) lands have unique status. The Husky Lakes area south of Tuktoyaktuk is a “Special Development Area”: proposed developments for this area must meet environmental protection criteria set by the Environmental Impact Review Board (EIRB). The IFA identified two other areas, Nelson Head and DeSalis Bay for landmark designation, however there are no plans to pursue these.

Over these lands, the ILA has extensive powers over surface rights and land use, as set out in the ILA Rules and Procedures. Applications for land use licences and permits, rights-of-way, quarry licences and concessions must be made to the ILA. Mineral development cannot proceed without an appropriate permit for access to or across Inuvialuit-owned lands issued by the ILA.

For mineral rights, application must be made to the Department of Indian and Northern Affairs (DIAND). Here, the [Territorial Lands Act](#) and the [Canada Mining Regulations](#) apply.

5.2.3 Inuvialuit 7(2) Lands: Beds of Water Bodies

The Inuvialuit also hold fee simple absolute title to the beds of all lakes, rivers and other water bodies found within Inuvialuit-owned lands. The mineral rights for the sub-surface are held either by the Crown where the water body is within 7(1)(b) lands or by the Inuvialuit where the water body is within 7(1)(a) lands.

The federal Crown owns the water itself, and manages it under the [Northwest Territories Waters Act](#). Applications to use water or to dispose of waste in water must go to the NWT Water Board for water licences: whether a licence will actually be required will depend on whether the use exceeds the thresholds set for water licences.

5.3 Federal Crown Land

In the northern territories the Government of Canada (federal Crown) owns and controls most of the lands and resources, and retains authority over mineral rights and activities. Federal Crown lands make up about 80% of lands within the ISR. As a result of withdrawals for Inuvialuit-owned lands combined with withdrawals for national parks, the areas of Crown lands available for mineral rights disposition or activity are much more limited on the mainland ISR than in the islands. Consequently, the proportion of Crown land is lowest on the mainland, increasing northward to 100% on the Western Queen Elizabeth Islands.

On Crown lands, the [Territorial Lands Act](#) is the governing legislation both for mineral and surface rights. The IFA however assures Inuvialuit a role in the screening and review of applications for development. The federal government cannot issue permits or authorizations on Crown land until the development has been screened by the Environmental Impact Screening Committee (EISC). So, while federal statutes remain the authority for mineral activities on Crown lands - in that it is government that makes the final decision to issue permits and authorizations - the Inuvialuit co-management institutions undertake environmental screening and review, and their advice is taken into account in the government's final decisions.

5.4 Land within Protected Areas

Large tracts of land within the ISR have been accorded protected area status, both as part of the IFA and in the intervening years. The Inuvialuit Game Council (IGC) estimates that 29% of the ISR has some form of protected status, under a range of territorial and federal instruments.

In addition, many areas may not have formally protected status, but have been flagged either by the Inuvialuit or by government agencies. So, for instance, "Key Habitat Sites for Birds" may not have regulatory force, but when a proposal is being screened, the advice of the Canadian Wildlife Service will weigh heavily in the final decision on permitting.

Areas under both formal and informal protection are listed in Chapter 6, and shown on Map 2, Appendix A.

5.5 Commissioner's Lands

The Government of the NWT does not own or control lands or resources. The only exception is Commissioner's Land. On these blocks, generally situated within or near municipal boundaries of the six communities, administration and control of surface rights has been transferred by Order-in-Council to the Government of the NWT. These lands are limited in area, making up less than 1% of the NWT.

The issuance of land use permits on Commissioner's Land is governed by the Commissioner's Lands Act and Regulations, which are administered by the Department of Municipal and Community Affairs (MACA). The issuance of mineral rights on these lands is administered by the federal Crown, through DIAND.

5.6 "Below-Threshold" Mineral Activities

Mineral prospectors need to be aware of a past dispute between the federal government and the Inuvialuit over the screening of low-impact mineral activities, such as the staking of mineral claims.

By 1994, the Inuvialuit had become concerned over the impacts of some activities related to staking and exploration conducted on Crown land. These activities were conducted in the course of staking and locating claims under Prospecting Permits issued by DIAND. Technically these activities did not reach the thresholds set in the Territorial Lands Act and Territorial Land Use Regulations for a Class B Land Use Permit, and so would not be subject to screening and review.

Part of the issue for the Inuvialuit is the definition of development. The IFA defines a development as "any commercial or industrial undertaking or venture". The Inuvialuit take the view that this should include staking. DIAND on the other hand holds that the Inuvialuit do not have the right to regulate the acquisition of mineral claims on Crown lands, because neither the Prospector's Licence nor the Prospecting Permit has the effect of permitting a specific activity.

In early 1995, the dispute reached such a point that the EISC decided to postpone further screening of Land User Permit Applications for mineral activity, on the basis that to do otherwise would contribute to a contravention of the IFA. Mineral exploration activity in the ISR came to a halt.

In November 1995, a Mineral Prospecting Agreement was achieved between the Inuvialuit and DIAND, after consultation with the mineral industry. This Agreement applies only to those activities below the threshold which, under the Land Use Regulations, would trigger the need to obtain a Land Use Permit. The EISC was given the responsibility of conducting an annual review of the Environmental Sensitivity Map (produced by DIAND) and of mineral activities occurring in the ISR. DIAND has undertaken to consult annually with the Inuvialuit, but there are also requirements for prospectors. These requirements are set out in "Attachment B" which is appended to any Prospector's Licence or Prospecting Permit.

"Attachment B" puts an onus on the holder of a Permit or Licence to consult with the Hunters and Trappers Committee and with DIAND on the environmental concerns in the target area and to accommodate these concerns in the conduct of work. As well, the rights-holder is advised to follow Economic Benefit Guidelines that are attached to every Prospecting Permit or Prospector's Licence. Included in "Attachment B" is the Environmental Sensitivity Map for the ISR, outlining the areas of environmental sensitivity that have been identified in Community Conservation Plans. (This is discussed further in Chapter 9 Section 5.)

5.7 Laws of General Application

The IFA stipulates that laws of general application continue to apply throughout the ISR. So whether you are dealing with the ILA on Inuvialuit-owned lands or with DIAND on Crown lands for mineral rights and land use, there are many other federal and territorial requirements with which you must comply.

One of the first of these encountered in the course of mineral activities is the requirement for a Water Licence under the Northwest Territories Waters Act. This Act governs the use of water throughout the ISR, including Inuvialuit-owned lands. The mineral operator must also adhere to other laws and regulations, from corporate registration to health and safety to environmental protection.

This situation is reflected on Table 5.0, which shows the applicable laws for each legislative topic. These requirements are discussed further in Chapter 8.

5.8 Environmental Laws and Regulation

The parallel roles of the federal and territorial governments, the role for the Inuvialuit pursuant to the IFA, and the passage of later legislation result in a complicated set of requirements for the mineral operator.

This is especially the case with regulations to do with environmental protection. Management of the environment is complicated, both between the federal and territorial governments and in relation to the Inuvialuit processes. For example, powers have been devolved to the GNWT for wildlife and forests, but the federal government retains control of land and water. There can be also be overlap between laws, so a company may for instance be subject both to the Canadian Environmental Protection Act and the Environmental Protection Act (NWT). The passage of umbrella legislation after the Inuvialuit claim was settled also complicates the system, notably with the introduction in 1995 of the Canadian Environmental Assessment Act (CEAA), which sets out requirements for yet another screening and review process.

The regulators and the Inuvialuit organizations are aware of the complexity of the system and want to work with developers to ensure the requirements are as clear as possible, to cut down duplication and to find practical solutions. Work is underway for instance on how to coordinate CEAA requirements with the Environmental Impact Review Board (EIRB).

Acknowledging that environmental regulation is complex and often demanding, it is important to appreciate two points:

- # First, the system is demanding for an important reason. Inuvialuit place the highest priority on protecting the land, the wildlife and the environment. This priority is reflected in every aspect of the IFA and of wildlife management in the ISR. Inuvialuit demand that resource developers pay close attention to the environmental impacts of their work, that developers understand the area in which they will be working, the nature of the impacts and that every effort be made to plan and conduct operations to mitigate such impacts.

- # Secondly, a resource developer needs to take into account this complexity and the sensitivity of environmental concerns when making application to the system. By starting early, raising issues early, consulting with the local communities and Inuvialuit organizations, the developer has a better chance of settling questions of overlap before they become an impediment. Early engagement in consultation and problem-solving, even when the issues raised by a low-impact exploration project may seem slight to a developer, can do much to avoid conflict over environmental matters at later stages, if exploration proves successful and the project moves ahead.

TABLE 5.0

LEGISLATION BY TOPIC FOR DIFFERENT TYPES OF LAND

1. Mineral Rights Acquisition, Land Use and Environmental Screening

TOPIC	Inuvialuit-Owned Lands s. 7(1)(a) Lands	Inuvialuit-Owned Lands s. 7(1)(b) Lands	Federal Crown Land	Commissioner's Land
Mineral Rights Acquisition	Inuvialuit Lands Administration (ILA): Rules & Procedures	<u>Territorial Lands Act</u> <u>Canada Mining Regs</u> <u>Territorial Coal Regs</u> <u>Territorial Dredging Regs</u> <u>Territorial Quarrying Regs</u>	<u>Territorial Lands Act</u> <u>Canada Mining Regs</u> <u>Territorial Coal Regs</u> <u>Territorial Dredging Regs</u> <u>Territorial Quarrying Regs</u>	<u>Territorial Lands Act</u> <u>Canada Mining Regs</u> <u>Territorial Coal Regs</u> <u>Territorial Dredging Regs</u> <u>Territorial Quarrying Regs</u>
Land Use Authorizations	ILA: Rules & Procedures	ILA: Rules & Procedures	<u>Territorial Lands Act</u> <u>Territorial Land Use Regs</u> <u>Territorial Lands Regs</u>	<u>Commissioner's Lands Act</u> <u>Area Development Act (NWT)</u>
Environmental Screening	ILA: Rules & Procedures EISC/EIRB upon referral <u>Canadian Environmental Assessment Act</u> and various regulations	ILA: Rules & Procedures EISC/EIRB upon referral <u>Canadian Environmental Assessment Act</u> and various regulations	IFA Environmental Screening and Review Process (EISC/EIRB) <u>Canadian Environmental Assessment Act</u> and various regulations	Screening by MACA under <u>Commissioner's Lands Act</u> <u>Canadian Environmental Assessment Act</u> and various regulations

2. Water Use, Waste Disposal and Environmental Protection

TOPIC	ALL LANDS IN INUVIALUIT SETTLEMENT REGION	
Water Use	<u>NWT Waters Act</u> and <u>NWT Waters Regulations</u>	
Waste Disposal into Water and Environmental Protection	<u>NWT Waters Act</u> and <u>NWT Waters Regulations</u> <u>Canadian Environmental Protection Act</u> <u>Environmental Protection Act (NWT)</u> <u>Metal Mining Liquid and Effluent Regulations</u> <u>Transportation of Dangerous Goods Act</u> <u>Spill Contingency Planning and Reporting Regulations</u> <u>Fisheries Act</u> and <u>Regulations</u>	<u>Arctic Waters Pollution Prevention Act</u> <u>Pollutant Substances Regulations</u> <u>Pesticides Act (NWT)</u> <u>Canada Wildlife Act (NWT)</u> <u>Wildlife Act (NWT)</u> <u>Polar Bear Defense Kill Regulations</u> <u>Environmental Rights Act (NWT)</u> <u>Forest Protection Act (NWT)</u> <u>Fire Prevention Act (NWT)</u> <u>Forestry Act</u> and <u>Timber Regulations</u>
Protected Areas	<u>Territorial Lands Act</u> <u>Withdrawal from Disposal Orders</u> <u>National Parks Act</u> <u>Canada Wildlife Act</u>	<u>Migratory Birds Convention Act</u> <u>Migratory Birds Sanctuary Regulations</u> <u>Territorial Parks Act</u> and <u>Regulations</u> <u>Critical Wildlife Areas Regulations</u>
Archaeological Site Protection	<u>Historical Resources Act</u> <u>Territorial Lands Act</u>	<u>Northwest Territories Act</u> , <u>Archaeological Sites Regulations</u>

3. Corporate Matters, Health and Safety, Construction and Operations

TOPIC	ALL LANDS IN INUVIALUIT SETTLEMENT REGION	
Corporate	<u>Business Corporations Act (NWT)</u> <u>Workers Compensation Act (NWT)</u>	<u>Payroll Tax Act (NWT)</u> <u>Securities Act (NWT)</u>
Health and Safety	<u>Mine Health and Safety Act (NWT)</u> <u>Safety Act (NWT)</u> <u>WHMIS Regulations</u> <u>Fatal Accidents Act (NWT)</u> <u>Coroner's Act (NWT)</u> <u>Emergency Medical Aid Act (NWT)</u>	<u>Public Health Act (NWT)</u> <u>Camp Sanitation Regulations</u> <u>Noise Control Regulations</u> <u>Workers Compensation Act (NWT)</u> <u>Atomic Energy Control Act</u>
Construction and Operations	<u>Explosives Act</u> <u>Explosives Use Act (NWT)</u> <u>Boilers and Pressure Vessels Act (NWT)</u> <u>Fire Prevention Act (NWT)</u>	<u>Gas Protection Act (NWT)</u> <u>Propane Cylinder Storage Regulations</u> <u>Navigable Waters Protection Act</u> <u>Electrical Protection Act (NWT)</u>
Labour	<u>Fair Practices Act (NWT)</u> <u>Canada Labour Standards Act</u> <u>Labour Standards Act (NWT)</u> <u>Engineering, Geological and Geophysical Professions Act (NWT)</u>	<u>Apprentices and Tradesmen Act</u> <u>Annual Vacations Regulations (NWT)</u> <u>Wages Regulations (NWT)</u> <u>Mechanics Lien Act and Form Regulations (NWT)</u> <u>Miners Lien Act and Form Regulations (NWT)</u>
Transportation	<u>Aeronautics Act</u> <u>Canada Shipping Act</u> <u>Motor Vehicles Act (NWT) and regulations</u> <u>Transportation Act</u>	<u>Bridges Act</u> <u>Public Harbours and Port Facilities Act</u> <u>Government Property Traffic Act</u> <u>Airport Traffic Regulations</u>

4. Other Legislation Applying to Work on ISR Lands

TOPIC	ALL LANDS IN INUVIALUIT SETTLEMENT REGION
Land Claim Settlement	<u>Western Arctic (Inuvialuit) Claim Settlement Act</u> <u>Nunavut Act</u> <u>Nunavut Land Claim Agreement Act</u> <u>Gwich'in Land Claim Settlement Act</u> <u>Sahtu Dene and Metis Land Claim Settlement Act</u>
Other	<u>Precious Metals Marking Regulations</u> <u>Resources and Technical Surveys Act</u>

Chapter 6 PROTECTED AREAS IN THE ISR

The first priority for Inuvialuit, and their prime motivation for seeking a land claim settlement in the first place, is concern for wildlife and environment. Inuvialuit have relied on the wildlife and natural resources of the western Arctic for generations and are very concerned that the long-term health and integrity of these resources be preserved for future generations.

The Inuvialuit sense of stewardship for the land and wildlife is demonstrated throughout the Inuvialuit Final Agreement and in the requirement for developments in the ISR to undergo close examination by co-management bodies on which Inuvialuit have a guaranteed role.

In a practical sense, all the lands in the ISR are protected, not only by Crown legislation and regulation, but by the provisions of the IFA, for instance for IFA Environmental Impact Screening and Review. For certain areas of acute environmental sensitivity, the Inuvialuit, working with the Crown, have taken protection further and assigned special status and in some cases legislated protected status. In aggregate, the areas set aside are extensive: some 29% of the ISR has some form of legal protection status under which mineral activity would either be completely prohibited, or only allowed under very stringent conditions.

The purpose of this section is to point out these protected areas and to explain their implications for mineral prospectors and developers. Protected areas in the ISR are listed on Tables 6.0 and 6.1 at the end of this Chapter, and shown on Maps 2 and 3 in Appendix A.

6.1 Formalized Protected Area Status

The areas set aside for formal protection under federal and territorial law are listed on Table 6.0 along with the location and restrictions on mineral activities. The areas are marked on Map 2 in Appendix A.

At present, there are no National Wildlife Areas and no Marine Wildlife Areas in the ISR.

6.1.1 *National Parks: Highest Level of Conservation Protection*

In the areas with the highest level of protection, National Parks, mineral and other activities are prohibited.

Three large areas have been designated and/or legislated for National Parks:

- # ***Ivvavik National Park***, on the Yukon North Slope,
- # ***Aulavik National Park***, on Banks Island, and
- # ***Tuktut Nogait National Park***, on the eastern margin of the Inuvialuit Settlement Region.

These parks are intended to provide ecoregional representation and include some of the calving grounds for the various caribou herds that summer in the ISR. Aulavik National Park also encompasses a Migratory Bird Sanctuary on Banks Island.

When planning for a National Park, or for the period between designation and passing the necessary amendments to the National Park, the Governor-in-Council can issue a Withdrawal Order, which withdraws

the sub-surface rights to the area from disposal. There are currently Withdrawal Orders in effect for each of these areas. The Withdrawal Order for Ivvavik National Park extends beyond the eastern boundary of the Park to include the section of the ISR east of the Babbage River as far as the NWT border.

For further information on National Parks and on National Historic Sites:

Contact: Northern Parks Advisor, Parks Canada, Yellowknife
Reference: [National Parks Act](#)

6.1.2 ***Migratory Bird Sanctuaries***

The ISR is a very important area for migratory birds, with extensive lowlands and wetlands favoured by geese and other waterfowl for staging and nesting.

There are five Migratory Bird Sanctuaries in the ISR, listed on Table 6.0. These Sanctuaries protect migratory bird-life and habitat, and impose restrictions on the timing and nature of activities undertaken. Mineral activities are not prohibited within a Migratory Bird Sanctuary, but activity will only be permitted if it is low impact and undertaken under limited conditions.

A mineral explorer can apply for a Sanctuary Permit for permission to undertake land use activities. Such application would be screened first by the EISC and could go on to the EIRB. The Canadian Wildlife Service takes the results of these determinations into consideration when deciding on whether to issue a Sanctuary Permit and, if so, under what operating conditions. Each application for a Sanctuary Permit is examined on its own merit, depending on the type of activity, seasonal timing, and potential for damage to birds and their habitat.

Mineral prospectors should be aware of a risk here: even if initial activities are approved, there are no guarantees that further work will be permitted. For example, even though a mineral operator may receive a Sanctuary Permit for a geophysical survey with limited footprint at the right time of year, he may not be issued a second Sanctuary Permit to do more intensive work to follow up any finds. Work that would anticipate development activities that are seen as being incompatible with the values protected by the Sanctuary would not be allowed.

Prospectors should also be aware that regulations under the [Migratory Birds Convention Act](#) are under review. This may lead to changes in the types of permits required for access and land use within designated Migratory Bird Sanctuaries. For further information on Migratory Bird Sanctuaries:

Contact: Chief, Northern Conservation Division, Canadian Wildlife Service
Reference: [Migratory Bird Convention Act](#)
[Migratory Bird Sanctuary Regulations](#)

6.1.3 ***Territorial Parks and Sites***

One Yukon Territorial Park was established on Herschel Island as a result of the IFA. The level of protection for this Park is intended to be no less than for National Parks, that is, a prohibition on all industrial activities.

6.1.4 *Protection under the Inuvialuit Final Agreement*

The IFA identifies several areas for an extra level of protection.

- # The Yukon North Slope east of Babbage River falls under a “**Special Conservation Regime**”, the purpose of which is the conservation of wildlife, habitat and traditional use (IFA section 12(2)). For the present, an Order-in-Council Withdrawal Order (320,321, dated 1985) prohibits the disposition of mineral rights, so mineral activities are effectively prohibited. Section 12 of the IFA allows that carefully controlled development could be countenanced in the future, however no change in the withdrawal order will be considered until a “Special Conservation Regime” is developed and put into effect.
- # Blocks of land in Cape Bathurst and Husky Lakes were designated in the IFA as “**Special Development Areas**”. The IFA does not prohibit mineral activities on these lands in perpetuity, but proposed developments must satisfy environmental standards that will be established by the Environmental Impact Review Board.
- # The IFA identified three areas for “**Landmark Status**”: “Pingo Canadian Landmark” on 7(1)(a) lands just to the west of Tuktoyaktuk; and Nelson Head and DeSalis Bay on 7(1)(b) lands. Federal landmark legislation has lapsed in the years since the IFA was concluded. Discussions continue toward national park status for the Pingo site at Tuktoyaktuk, but neither Nelson Head nor DeSalis Bay will be pursued.

6.1.5 *Protection for Archaeological Sites*

Sites of cultural and archaeological significance are formally protected under both federal and territorial legislation. While many sites have already been identified, it is always possible that a mineral operator may come across artifacts or burial grounds in the course of activities. It is incumbent on the operator to report any findings and to avoid disturbing these sites.

For further information on archaeological sites in the ISR:

Contact: Senior Archaeologist, Prince of Wales Northern Heritage Centre
Reference: [Historical Resources Act \(NWT\)](#)
[Northwest Territories Act, Archaeological Sites Regulations](#)
[Territorial Lands Act, Territorial Land Use Regulations s. 16\(a\) and \(b\)](#)

6.2 *Informal Protection*

In addition to areas with legislated protection, many sites have been identified both by the Inuvialuit and by government agencies as deserving of special care. These areas are “flagged” so that when an application for a permit or authorization is made, the agencies will check for such areas and may recommend stricter operating conditions. These areas are summarized on Table 6.1 at the end of this Chapter.

If a proponent is aware of these areas in advance, he will be better able to design his proposal to anticipate such concerns and so avoid contention and delays.

6.2.1 *Community Conservation Plans*

Each of the six communities of the ISR has completed a Community Conservation Plan which outlines the issues and areas of environmental value or sensitivity for the people of the area. Community Conservation Plans identify vulnerable or critical habitat and harvesting areas and recommend varying degrees of protection for them. This is the first level of protection that a community can assign to an area.

The Community Conservation Plans complement the Inuvialuit Renewable Resources Conservation and Management Plan (1988), developed by the Wildlife Management Advisory Council (NWT) and the Fisheries Joint Management Committee. Community Conservation Plans are considered to be “dynamic” and subject to change from time to time, to take into account changes in the environment and wildlife and people’s concerns. The intent is to undertake comprehensive updates of these Plans every four years. They are available in published form from the Joint Secretariat, and are a good basis for consultation between the mineral operator and the community.

Contact: Wildlife Management Advisory Council (NWT)
 Hunters and Trappers Committee for local community
Reference: Community Conservation Plans

Drawing on these Community Conservation Plans, DIAND has prepared an Environmental Sensitivity Map for the ISR. By agreement reached with the Inuvialuit in 1995, the Mining Recorder’s Office (DIAND) attaches the Environmental Sensitivity Map to each Prospector’s Licence issued, and holders are advised to consult first with communities before going out on the land. Early consultation can help to prevent concern and misunderstandings that could be difficult to overcome should the exploration prove successful and the community’s goodwill be needed to win approval for later stages of activity. The 1998 version of the Environmental Sensitivity Map is included as Map 3 in Appendix A.

Contact: Mining Recorder’s Office, DIAND
Reference: 1995 Mineral Prospecting Agreement

6.2.2 *Key Habitat Sites for Birds*

In addition to the five existing Migratory Bird Sanctuaries (6.1.2 above), the Canadian Wildlife Service has identified a list of Key Habitat Sites for bird-life. Although parts of these areas have been granted formal protection, some parts do not have a legislated status. Nevertheless, these sites represent special bird habitat and merit special care. The current list for the ISR is included on Table 6.1, however new areas are identified from time to time.

When applications are made to DIAND for Prospecting Permits or Land Use Permits, the department circulates them to other agencies, including the Canadian Wildlife Service, for comment.

For the most up-to-date list of Key Habitat Sites, and further information on restrictions and prudent measures that operators can take:

Contact: Habitat Biologist, Western Arctic Region
 Northern Conservation Division, Canadian Wildlife Service
Reference: Key Migratory Bird Terrestrial Habitat Sites in the NWT
 Occasional Paper No. 71

The Canadian Wildlife Service can also advise on whether there are any species identified as endangered, threatened or vulnerable, and provide advice on ways to avoid and protect these species. Should legislation to protect species that are endangered or at risk be passed through federal Parliament, more stringent arrangements for protection of these species may take effect.

6.2.3 *Critical Habitat Areas for Fish*

The federal Department of Fisheries and Oceans (DFO) and the Fisheries Joint Management Committee (FJMC) are in the process of developing Fish Management Plans as part of co-management planning for fisheries. These plans will identify some areas as Critical Habitat Areas for different species. These areas could be directly affected by applications for placer mining or dredging, but also indirectly by project discharges upstream of the habitat.

Again, when applications for permits are circulated to government agencies or to Inuvialuit co-management bodies, these areas will be flagged for some kind of protection under terms and conditions attached to the permit, or if the risk is too great, could be the reason for rejecting the application. It is important for an applicant to consult first with the HTC in the area, with the FJMC, and with DFO to ensure that plans take these areas into account.

Contact: Area Habitat Biologist, Western Arctic Region
 Department of Fisheries and Oceans (DFO)
Reference: Fish Management Plans

6.2.4 *Beaufort Sea Beluga Management Plan*

FJMC and IGC have also developed a Management Plan for Beluga, which sets out guidelines to assist government, the EISC and EIRB and the ILA in their evaluation of development proposals (including mining projects and port development) which may affect beluga whales, their habitat or harvesting.

The plan distinguishes four beluga management zones. Zone 1a includes 1800 sq km of shallow waters at the mouth of the Mackenzie River; Zone 1b includes areas where beluga are harvested by residents of Paulatuk and other eastern ISR communities; Zone 2 is a broad travel corridor extending from Cape Bathurst to Kay Point, Yukon; Zone 3 is all the remaining marine waters in the ISR, and Zone 4 covers the Beaufort Sea outside of Canadian waters. Zone 1 has the highest priority for protection: the guidelines require that no mining activities be permitted from break-up until August 15 in the zone, that developments located outside of Zone 1 should be evaluated for potential effects on water and ice, and that no port development be allowed.

Contact: Fisheries Joint Management Committee (FJMC)
Reference: Beaufort Sea Beluga Management Plan

Contact: Area Habitat Biologist, Western Arctic Region, DFO
 Fisheries Act and Marine Mammal Protection Regulations

6.3 Protected Area Planning: NWT Protected Areas Strategy

Representatives of IGC and IRC participated in the NWT Protected Areas Strategy initiative of 1996 to 1998. The Protected Areas Strategy (PAS) is intended to set the framework, goals and guidelines for establishment of protected areas in the NWT, with implementation left to each region.

Among the “Guiding Principles” set out in the PAS, several are relevant to the mineral industry. The PAS gives precedence to land claim agreements; it recognizes the mineral tenure system; it calls for full stakeholder participation in planning; and it calls for the assessment of non-renewable resources as part of the evaluation of proposed protected areas. The PAS recommends that while proposals for new protected areas are being evaluated, the area of concern should be protected from mineral activities, and for areas designated for the highest levels of protection, recommends that all industrial activities be prohibited.

As a next step, the PAS now requires that government agencies work with regionally-based management bodies to develop Protected Area System Plans, due for completion within two years. IRC has advised that formal legislated protection is complete in the ISR and no Protected Area System Plan is required.

Nevertheless, it is important for mineral operators interested in an area of the ISR to keep abreast of protected area planning. While the PAS recommends that both ecological and mineral resource values be taken into account in decision-making on Protected Areas, the fact is that in relatively unexplored areas such as the ISR there is inadequate mineral resource data for such an integrated evaluation. Inuvialuit organizations involved in protected area planning need to be informed of the mineral prospectivity of their lands so that they can make the best decisions on the trade-offs involved in formal designations of protected areas in the mineral target areas. Developers planning community consultation should ask about protected area planning initiatives in their area of interest and be open with the community about the mineral prospectivity of the area.

Another initiative under the Protected Areas Strategy may have implications for mineral operators with a long-term interest in access to land in the ISR and throughout Nunavut and the NWT. DIAND has committed under the strategy to develop guidelines for the use of interim protection. As well, DIAND will be working on guidelines for compensation to third party interests facing expropriation or other negative impacts resulting from the creation or modification of a protected area.

Contacts: Director, Mineral Resources, DIAND, Yellowknife
Inuvialuit Regional Corporation (IRC) and Inuvialuit Game Council (IGC)
Reference: NWT Protected Areas Strategy

References:

Maps 2 and 3 in Appendix A
Community Conservation Plans for each of six Inuvialuit communities
Fish Management Plans, FJMC and Department of Fisheries and Oceans
Beaufort Sea Beluga Management Plan
Key Migratory Bird Terrestrial Habitat Sites in the NWT, Occasional Paper No. 71, Canadian Wildlife Service
NWT Protected Areas Strategy (PAS): Protecting Special Natural Areas in the NWT
NWT Protected Areas Strategy (PAS): Protected Areas Toolkit

TABLE 6.0

PROTECTED AREAS IN THE INUVIALUIT SETTLEMENT REGION

FORMALLY LEGISLATED PROTECTION

AREA DESIGNATED	PROTECTED STATUS	AREA AND LOCATION	RESTRICTIONS ON MINERAL ACTIVITIES
Aulavik National Park, NWT	National Park <u>National Parks Act</u> and Guiding Principles and Operating Policies	12,500 sq km Northern Banks Island	Prohibited
Tuktut Nogait National Park	National Park <u>National Parks Act</u> and Guiding Principles and Operating Policies	16,340 sq km East of Darnley Bay	Prohibited
Ivvavik National Park (Yukon)	National Park <u>National Parks Act</u> and Guiding Principles and Operating Policies	West of Babbage River on the Yukon North Slope	Prohibited
Anderson River Delta Bird Sanctuary	Migratory Bird Sanctuary <u>Migratory Birds Convention Act</u> <u>-Migratory Birds Sanctuary Regulations</u> <u>-Migratory Birds Regulations</u>	1083 sq km Southern shore of Liverpool Bay	Sanctuary Permit required for land use activities (case by case)
Cape Parry Bird Sanctuary	Migratory Bird Sanctuary <u>Migratory Birds Convention Act</u> <u>-Migratory Birds Sanctuary Regulations</u> <u>-Migratory Birds Regulations</u>	3 sq km Tip of Cape Bathurst near Baillie Islands	Sanctuary Permit required for land use activities (case by case)
Banks Island No. 1 Bird Sanctuary	Migratory Bird Sanctuary <u>Migratory Birds Convention Act</u> <u>-Migratory Birds Sanctuary Regulations</u> <u>-Migratory Birds Regulations</u>	20,518 sq km Western shore of Banks Island	Sanctuary Permit required for land use activities (case by case)
Banks Island No. 2	Migratory Bird Sanctuary <u>Migratory Birds Convention Act</u> <u>-Migratory Birds Sanctuary Regulations</u> <u>-Migratory Birds Regulations</u>	142 sq km Northeastern shore of Banks Island, Thompson River Valley	Wholly contained within Aulavik National Park, mineral activities prohibited.

AREA DESIGNATED	PROTECTED STATUS	AREA AND LOCATION	RESTRICTIONS ON MINERAL ACTIVITIES
Kendall Island	Migratory Bird Sanctuary <u>Migratory Birds Convention Act</u> <u>-Migratory Birds Sanctuary Regulations</u> <u>-Migratory Birds Regulations</u>	606 sq km Kendall Island	Sanctuary Permit required for land use activities (case by case)
Herschel Island Territorial Park	<u>Territorial Parks Act (Yukon)</u> <u>Inuvialuit Final Agreement</u>	Herschel Island	Prohibited
Pingo Park	Inuvialuit Final Agreement National Parks status pending.	16.4 sq km on 7(1)(a) lands to west of Tuktoyaktuk community site.	Prohibited.
Husky Lakes	Inuvialuit Final Agreement, Section 8 Special Development Area: developer must prove that the activity meets criteria that will be set by the EIRB, and must account for his standard of performance.	Block of 7(1)(b) Inuvialuit-owned lands south of Tuktoyaktuk Reference: Map 4, Appendix A	Not prohibited, but approval subject to higher environmental standards
Cape Bathurst	Inuvialuit Final Agreement Special development area: developer must prove that the activity meets criteria that will be set by the EIRB, and must account for his standard of performance.	Block of 7(1)(a) land on Cape Bathurst Reference: Map 4, Appendix A	Not prohibited, but approval subject to higher environmental standards. Any new subsurface development subject to consent of Canada.
Yukon North Slope, east of Babbage River	Inuvialuit Final Agreement, Section 12 Special Conservation Regime Withdrawal and Prohibition Order prevents disposition of mineral rights for this area, and prohibits entry for staking or prospecting..	Section of the ISR to the east of Babbage River extending to the NWT-Yukon border Reference: Map 11, Appendix A	Prohibited.
All Archaeological Sites	<u>Northwest Territories Act</u> <u>NWT Archaeological Sites Regulations</u> <u>Territorial Lands Act</u>	Across the region. Contact Prince of Wales Northern Heritage Centre for information.	Sites are protected from disturbance. Sites found in the course of activities must be reported and protected.

These areas are marked on Map 2 in Appendix A.

TABLE 6.1

PROTECTED AREAS IN THE INUVIALUIT SETTLEMENT REGION

INFORMAL TYPES OF PROTECTION: Not legislated, but taken into account in screening and issuance of authorizations.

DESIGNATION	STATUS	AREA AND LOCATION	RESTRICTIONS ON MINERAL ACTIVITIES
Areas noted in Community Conservation Plans	These land-use maps identify key areas for harvesting and habitat. Are taken into account when development proposals are considered by DIAND, by ILA, and by EISC/EIRB.	For each community. For the ISR as a whole. Reference: Community Conservation Plans Reference: Map 3, Appendix A	Activities in these areas may be approved, but strict terms and conditions may be imposed to avoid damage.
Key Habitat Sites for Birds	Listed by Canadian Wildlife Service. Some are partly or wholly covered by other, formal protection. Taken into account by DIAND, by ILA and the EISC /EIRB when making decisions.	Seven in the ISR: Mackenzie River Delta, Kugaliik-Liverpool Bay, Anderson River, Harrowby Bay-Lower Horton, Cape Parry, Egg River, Prince Patrick Island. Reference: Map 2, Appendix A	Activities in these areas may be approved, but will require strict terms and conditions to avoid damage.
Critical Habitat Areas for Fish	Listed under Fish Management Plans. They are taken into account by DIAND, by ILA and the EISC/EIRB when making decisions.	Fish Management Plans are in process of being developed by the Fisheries Joint Management Committee and the Dept. Fisheries and Oceans.	Activities in these areas may be approved, but will require strict terms and conditions to avoid damage.
Beaufort Sea Beluga Management Plan (1998)	Guidelines to be taken into account by DIAND, ILA and EISC when development proposals are evaluated. Identifies four zones of significance for beluga concentration, calving and harvesting.	Zone 1a includes 1800 sq km at mouth of the Mackenzie River. Zone 1b includes areas where beluga are harvested by Paulatuk, and other eastern ISR communities. Zone 2 encompasses a major travel corridor, extending from Baillie Islands in the east to Kay Point in Yukon. Zone 3 is the remaining marine area within the ISR.	Zone 1 is to be considered a Protected Area. No mining activities should be permitted in this Zone during open water. Development proposals outside Zone 1 should be evaluated for effects on water or ice quantity or quality. Industrial activities in Zone 2 and 3 may be permitted if do not adversely affect conservation, protection, or harvesting of beluga.
Caribou Calving Areas	Priority for the Inuvialuit, and the GNWT. They are taken into account by DIAND and the EISC when making decisions.	Large areas of the Western Arctic Coast are used for calving in May-June. Discussions are underway on "Caribou Protection Measures" for the entire region, including the calving grounds.	Activities in these areas may be approved, but will require strict terms and conditions to avoid damage.

EISC Environmental Impact Screening Committee
 DIAND Department of Indian Affairs and Northern Development, Government of Canada

ILA Inuvialuit Land Administration
 GNWT Government of the Northwest Territories

7.1 Dealing With The Inuvialuit Land Administration

The Inuvialuit Final Agreement (IFA) transferred title to certain blocks of land to the Inuvialuit. For some of these blocks, **Section 7(1)(a) lands**, both surface and subsurface rights were transferred from the Crown to the Inuvialuit. For other blocks, **Section 7(1)(b) lands**, title only to the surface rights and to granular resources were transferred. These lands are outlined on Maps 1 to 9 in Appendix A.

Title to these lands is held by the Inuvialuit Land Corporation, a wholly owned subsidiary of the Inuvialuit Regional Corporation (IRC). The lands are managed and administered by the Inuvialuit Land Administration (ILA), a division of IRC. The ILA is governed by a Commission of three members appointed by the IRC.

The authorizations that a mineral operator needs to cross or to work on Inuvialuit-owned lands are issued by the ILA, pursuant to its Rules and Procedures. These Rules and Procedures govern the terms of access to and across Inuvialuit-owned lands, the issuance of rights on these lands as permitted by the IFA, and conditions for any activities on Inuvialuit-owned lands. The Rules and Procedures are currently being revised from the original version dated April 1986.

This section describes authorizations issued by the ILA and general requirements that must be met. For specific and current information contact the ILA directly.

Contact: Administrator, Inuvialuit Land Administration, Tuktoyaktuk
Reference: ILA Rules and Procedures

7.2 ILA Authorizations Required To Do Mineral Work

When the current ILA Rules and Procedures were written in 1986, resource activity in the ISR focused on oil and gas. As a result, there are few specific provisions for minerals and coal. Nevertheless, mineral activity can be accommodated within the existing permit structure, and the current Rules and Procedures apply.

The ILA Rules and Procedures set out the permits required on Inuvialuit-owned land to use or to have access on or across the surface of 7(1)(a) and 7(1)(b) lands, terms and conditions for such work, the fees payable, and the processes to obtain these authorizations. The Rules also govern the issuance of rights to explore for and develop sub-surface resources, but on 7(1)(a) lands only. On all other lands in the ISR, the sub-surface rights are held by the Government of Canada, and must be applied for at the Mineral Recorder's Office in Yellowknife.

Matters beyond the scope of the ILA Rules and Procedures are subject to **"Laws of General Application"** as they would normally apply to private lands. These laws are described in Chapter 8 of this Guide. This

means that the same federal and territorial laws apply to Inuvialuit-owned lands, with just this exception: the Territorial Lands Act and the Territorial Land Use Regulations do not apply to Inuvialuit-owned lands, both 7(1)(a) and 7(1)(b). The Canada Mining Regulations do not apply to 7(1)(a) lands, but do apply to 7(1)(b) lands. Claim staking on 7(1)(b) land may require a permit or license from the ILA.

The mineral operator needs to be aware of the ILA requirements for **ACCESS** and for **RIGHTS AND AUTHORIZATIONS** to do activities on Inuvialuit-owned lands.

7.3 Commercial Access

For access to or across Inuvialuit-owned lands for the purposes of mineral exploration or development, there are requirements for prior notice and for authorization from the ILA. The requirements imposed for allowing access for a commercial activity depend on the scope and intent of the access.

Table 7.0 below summarizes the requirements for commercial access. In every case, access is permitted subject to the requirement that there be:

- # No significant damage to the lands;
- # No abuse or extension of the right;
- # No mischief committed on the lands; and
- # No significant interference with Inuvialuit use and enjoyment of the lands.

If damage to the land does occur, the user is fully responsible, and the Inuvialuit are not liable for any damages suffered by the user. Users who fail to comply with provisions attached to the permits for access can be removed from the land.

TABLE 7.0

REQUIREMENTS FOR COMMERCIAL ACCESS TO INUVIALUIT-OWNED LANDS

PURPOSE OF THE ACCESS	REQUIREMENT
<p>ACCESS ACROSS: Access of a commercial nature required to reach non-Inuvialuit lands to exercise rights of a casual nature relating to investigative and preliminary work.</p>	<p>Must give prior notice to the ILA. Administrator can issue a Land Use Licence</p>
<p>ACCESS ACROSS: Access of a commercial nature required to reach non-Inuvialuit lands to exercise rights, and the access is significant but temporary. Example of significant access would be the construction of winter road, camps, use of any explosives.</p>	<p>Must give prior notice to the ILA. Administrator can issue a Temporary Right of Way. Requires negotiation of an Access Agreement on location and compensation for damages. Refer to Table 7.1.</p>
<p>ACCESS ACROSS: Access of a commercial nature required to reach non-Inuvialuit lands to exercise rights for more than a temporary period.</p>	<p>Must give prior notice to the ILA. Administrator can issue a Permanent Right of Way Requires negotiation of a Participation Agreement with the ILA. Refer to Table 7.1.</p>
<p>ACCESS TO OR ACROSS: Access of a commercial nature on or across Inuvialuit lands required by a holder of a valid right issued by Canada on Inuvialuit-owned lands, e.g. on 7(1)(b) lands, or pre-existing rights on 7(1)(a) lands.</p>	<p>Such access is guaranteed, but is subject to the negotiation of a Participation Agreement. Refer to Table 7.1</p>
<p>ACCESS TO: Access to Inuvialuit 7(1)(a) lands to exercise mineral rights issued by the ILA.</p>	<p>Requires appropriate Right issued by the Administrator. These Rights require the negotiation of a Participation Agreement.</p>

7.4 Rights and Authorities for Commercial Mineral Activities

In order to explore for minerals on Inuvialuit 7(1)(a) lands, the prospector can apply to the ILA to obtain:

- # A **Reconnaissance Permit**, and
- # **Land Use Permits** to authorize the activities involved, and
- # If necessary, a **Right-of-Way**, either Temporary or Permanent.

Alternatively, the prospector can apply for a **Mineral Concession** or a **Coal Concession**, which provides the exclusive right both to explore and to extract sub-surface resources. Holders of Concessions are guaranteed access to the Concession Lands, provided they obtain Land Use Permits, Leases or Rights of way required for the purpose. The holder of a Concession may also be granted the necessary Quarry Licences. (These rights and authorities are summarized on Table 7.1 at the end of this Chapter.)

7.5 Terms and Conditions of Permits and Rights

Conditions for rights are similar to those on authorizations issued by the Crown, allowing for example for inspection of the site by the ILA. An applicant for a right must demonstrate that he is qualified to carry out the obligations attached to the right. Although the Rules and Procedures set out the terms of issuance, the ILA can issue rights that supercede the Rules, provided the terms are consistent with the IFA. The ILA may also negotiate provisions with applicants under separate Agreements, as described in Section 7.7 below and Table 7.2.

Obligations are attached to all rights. These are:

- # To provide information and reports, including progress reports, reports on results, contingency plans, plans for use, and actual land use;
- # To pay fees as prescribed and to pay fair compensation for access;
- # To compensate Inuvialuit for damage or diminution of value of lands, or for accidents;
- # To provide Inuvialuit employment;
- # To provide opportunities for Inuvialuit businesses;
- # To cover the costs of surveying related to the establishment of the right;
- # To submit a security deposit;
- # To fulfil work obligations related to the right.

Other terms and conditions may be attached in relation to operations, for instance:

- # **Terms related to operations:** stipulating location, timing, methods to be used, water management, handling of toxic material, excavations and deposition of material, placement of fuel caches, clearing of lines and trails, campsites, sewage and waste disposal, emergency measures, plans for reclamation, and terms for control of the activity by the local Community Corporation on 7(1)(a) lands.
- # **Terms related to protection of wildlife:** including habitat protection, wildlife avoidance, and provision for compensation for damages to wildlife.
- # **Terms related to protection of special places and archaeological sites:** to avoid known or suspected archaeological sites or burial grounds, and in the case of discovery of a site, a requirement to suspend operations and to notify the ILA. Artifacts found are the property of the Inuvialuit.
- # **Socio-economic terms:** setting out requirements for education and training programs for the Inuvialuit, and possibly for equity participation by Inuvialuit in the project.

7.6 Wildlife Compensation

The IFA requires that the Inuvialuit be protected from wildlife harvest loss resulting from any development in the ISR. For rights issued on 7(1)(a) lands, this goal is achieved by ensuring that all projects are reviewed carefully for impacts on wildlife and by setting terms for compensation for any damage caused.

7.6.1 *Review of Applications Affecting Wildlife*

According to the IFA, every proposed development on 7(1)(a) lands that could have a significant negative impact on wildlife habitat will be authorized only “after attention to all environmental concerns and subject to reasonable mitigative and remedial provisions being imposed. However, authorization to proceed shall not be unreasonably withheld.” (ILA Rules and Procedures 1986.)

Every proposed development on 7(1)(a) lands, shall be screened by the local Hunters and Trappers Committee (HTC) to determine if the project could have significant negative impact on present or future wildlife harvesting. If the HTC determines that there could be a significant negative impact from the project, it can recommend referral of the proposal to the EISC for screening under the IFA Environmental Screening and Review Process.

If the ILA agrees that closer examination is warranted, it will refer the matter to the EISC. The determinations of screening and, if undertaken, review will be provided to the ILA as the issuing authority. The review agency is required to recommend terms and conditions for mitigation in order to minimize any negative impact on wildlife harvesting. The review agency must also provide an estimate of the potential liability of the developer, determined on a worst case scenario.

7.6.2 *Liability for Damage*

A rights-holder is obliged to prevent damage to wildlife and habitat and to avoid disruption of Inuvialuit harvesting. If damage occurs, the developer is required to restore wildlife and its habitat as far as is practicable. A rights-holder is also required to compensate Inuvialuit hunters, trappers and fishermen for actual wildlife harvest loss, whether commercial or subsistence. Damage to equipment is also compensable.

“Actual wildlife harvest loss” means provable loss or diminution of wildlife harvesting or damage to property used in harvesting. An Inuvialuk claiming damages must make a claim in writing within three years and must prove the case on a balance of probabilities.

Where it is established that wildlife harvest loss was caused by development, the liability of the developer is absolute, and the developer may be either singly liable or liable jointly with other developers. If the Inuvialuit claimant and the developer cannot come to agreement, the case can be referred to a mediator or to the Arbitration Board.

A Wildlife Compensation Fund has been established to receive wildlife compensation fees that are paid in relation to access or mineral rights. The ILA can withdraw monies from this Fund to pay damage awards, to pay for mitigation and restoration, or to pay for reasonable costs of studies.

7.7 Agreements Negotiated with the ILA

These are agreements negotiated and concluded between the developer and the ILA to address the variable terms and conditions under which significant access (i.e. more than temporary access) will be granted to or across the Inuvialuit lands. (These Agreements are summarized on Table 7.2 at the end of this Chapter.)

- # A **Participation Agreement** is required for access to Inuvialuit Lands to reach valid subsurface interests issued by the Crown on 7(1)(b) lands. The Participation Agreement applies to specific activities, or phases of activity, as set out in the terms.
- # For all other access to or across Inuvialuit Lands, an **Access Agreement** must be negotiated. As a condition of an Access Agreement, a Participation Agreement must be negotiated too.

Participation or Access Agreements may include a wide range of provisions:

- # Arrangements to cover costs of permitting and inspection and costs associated with wildlife compensation, habitat restoration and impact mitigation;
- # Socio-economic terms, including business opportunities (for instance, service and supply contracts for Inuvialuit firms) and education and training for Inuvialuit;
- # Possibly, equity participation by Inuvialuit in the project.

The rights-holder or applicant may also voluntarily negotiate a **Cooperation Agreement** with the ILA. A Cooperation Agreement sets out a general understanding and basic commitments as a framework for negotiating Participation Agreements for particular phases of activity.

A further form of Agreement is a **Concession Agreement**. These are negotiated in relation to mineral or coal concessions issued by the ILA, although the Concession Agreement can cover other, non-7(1)(a) lands in its terms. Concession Agreements deal with financial and royalty matters and are generally negotiated before any permits are issued.

7.8 Application Procedures

The application process is set out in the ILA Rules and Procedures and you should refer to these and contact the ILA for specifics. Applications must be accompanied by an application fee and a security deposit and must provide a Preliminary Plan for land use and occupancy. A complete application submitted to the ILA before the 22nd of the month will be considered at the subsequent meeting (usually the next month).

The time required to obtain an authorization varies depending on a range of factors. Some rights, such as Land Use Licences and Reconnaissance Permits, can be dealt with more quickly than can others, such as Commercial Leases. The process can also be expedited if terms related to Inuvialuit benefits have been negotiated prior to the application. If, however, the ILA finds that the application is incomplete, or that more information is needed, or that the proposal should undergo environmental screening, the process can take longer while these matters are dealt with.

TABLE 7.1
RIGHTS AND AUTHORIZATIONS ISSUED BY THE INUVIALUIT LAND ADMINISTRATION
ON INUVIALUIT-OWNED LANDS - SECTION 7(1)(a) AND 7(1)(b)

RIGHT OR AUTHORIZATION	PURPOSE	MAXIMUM AREA MAXIMUM DURATION	OTHER REQUIREMENTS
Land Use Licence	<p>Right to carry out operations of a non-commercial nature for a limited period. Includes access for scientific investigation, research or surveying. Generally not available for commercial mineral activities, but sometimes are issued for very low impact access.</p> <p>May be required for staking of claims.</p> <p>Inuvialuit guides may apply for and obtain a Land Use Licence on behalf of any person who will enter upon or cross Inuvialuit Lands under the guidance of that Inuvialuk.</p> <p>If for just surveying and site investigation, or if Inuvialuit Guide employed, Land Use Licences can be issued by the Short Procedure, within 24 hrs. Otherwise within 10 days.</p>	<p>Up to 1 ha. For up to 1 year.</p>	<p>Obligations to provide employment and business opportunities to Inuvialuit are waived for Land Use Licences</p>
Land Use Permit: Class A, B, C	<p>Right to do commercial activities requiring the occupancy of a specific area or the non-exclusive use of Inuvialuit-owned Lands for a limited time.</p> <p>Thresholds for A,B, and C permits are based on use of explosives, vehicle weight, use of drilling machinery, duration of campsite, fuel storage, trails.</p>	<p>Up to 10 ha. For up to 2 years. Renewable for 1 year. Right to use (as distinct from occupy) up to 10 sq km.</p>	<p>Land rents payable</p> <p>Participation Agreement must be negotiated.</p>
Reconnaissance Permit	<p>The non-exclusive right to explore for surface materials on any Inuvialuit-owned lands, and for coal and minerals on 7(1)(a)lands.</p> <p>Activities need a Land Use Permit, Commercial Lease or Rights-of-Way. Any construction or drilling requires a Land Use Permit.</p> <p>Not required for holder of a Concession or Quarry Concession in the area of the Concession</p>	<p>Up to 10,000 sq km. For up to 2 years</p> <p>Can be assigned</p>	<p>Land rents payable</p> <p>Minimum work requirements are set.</p> <p>Access Agreement must be negotiated. Cooperation Agreement optional</p>

RIGHT OR AUTHORIZATION	PURPOSE	MAXIMUM AREA MAXIMUM DURATION	OTHER REQUIREMENTS
Commercial Lease: Class 1, 2, 3.	<p>Exclusive right of permanent occupancy of a limited area to carry out operations of commercial nature indicated in the Right.</p> <p>Needed for operations for more than 3 years, where involves extraction, separation, processing, transportation or shipment of coal or minerals.</p> <p>A Commercial Lease Class 1 must be ratified by Community Corporation on 7(1)(a) lands, or by Inuvialuit Regional Corporation on 7(1)(b) lands.</p> <p>Note: Any Inuvialuk has the right to harvest wildlife on any Lease over 0.2 ha, unless otherwise agreed.</p>	<p>Up to 60 ha. For up to 30 years</p>	<p>Participation Agreement required</p> <p>Application must include a Surface Development Plan</p> <p>Land Rents are payable. Security Deposit required, according to Schedule or as recommended by EIRB</p>
Concession	<p>Exclusive right to explore for and to extract coal or minerals from a specific area on 7(1)(a) lands.</p> <p>Before a Mineral or Coal Concession can be applied for, the area must be staked according to Section 19(18) rules of measurements, markings, posting of notice etc.</p> <p>Must first be ratified by Community Corporation on 7(1)(a) lands or by IRC on 7(1)(b) lands.</p> <p>Any construction or drilling requires a Land Use Permit.</p>	<p>For a Block. Up to 30 years.</p> <p>Can be assigned</p>	<p>Minimum work requirements</p> <p>Access Agreement required. Cooperation Agreement optional</p> <p>Must be negotiated with ILA.</p> <p>Security deposit, according to Schedule or as recommended by EIRB.</p>
Quarry Licence	<p>The non-exclusive right to extract surface materials from a specific location on Inuvialuit-owned Lands. For a specified volume from a specified site.</p> <p>Activities require Land Use Permit.</p> <p>Must first be ratified by Community Corporation on 7(1)(a) lands or by IRC on 7(1)(b) lands.</p>	<p>Up to 10 ha. For up to 1 year.</p> <p>Can be assigned</p>	<p>Royalties for first 1000 cubic metres payable at time of application</p> <p>Minimum work requirements</p>
Quarry Concession	<p>The exclusive right to explore for, develop and extract surface materials from a specified area on Inuvialuit-owned lands for a prescribed period.</p> <p>Before Quarry Concession can be applied for, the land must first be staked according to Rules and Procedures.</p>	<p>Up to 10 ha. For up to 10 years.</p> <p>Can be assigned</p>	<p>Minimum work requirements</p> <p>Royalties payable</p> <p>Access Agreement required. Cooperation Agreement optional Must be negotiated with ILA.</p>

RIGHT OR AUTHORIZATION	PURPOSE	MAXIMUM AREA MAXIMUM DURATION	OTHER REQUIREMENTS
Temporary Right-of-Way	<p>Right to non-exclusive use of strip of Inuvialuit-owned lands for a limited period for commercial transportation of people or goods, petroleum or water by pipeline, or power by an electrical transmission.</p> <p>Construction or maintenance activities require a Land Use Permit unless this TRW is required for access to an operation for which a Land Use Permit has already been granted.</p>	<p>For up to 2 years. Not renewable</p> <p>Can be assigned.</p>	<p>Land rents payable</p> <p>Are requirements in relation to winter road and harvesting if traffic is heavy</p> <p>Participation Agreement is required.</p>
Permanent Right-of-Way	<p>For the non-exclusive use of a strip of Inuvialuit-owned lands for a long period for commercial transportation of people or goods, petroleum or water by pipeline, or power by an electrical transmission.</p> <p>Construction or maintenance activities require a Land Use Permit.</p> <p>Application must include a Surface Development Plan.</p> <p>Must first be ratified by Community Corporation on 7(1)(a) lands or by IRC</p>	<p>For up to 30 years.</p> <p>Can be assigned</p>	<p>Land rents payable</p> <p>Participation Agreement required</p> <p>Security deposit required according to Schedule or as recommended by EIRB.</p>

All rights on 7(1)(a) lands are subject to the terms for Wildlife Compensation.

All rights are subject to fees, either by schedule, by calculation according to set formula, or as negotiated in an Agreement. Refer to current Rules for details.

TABLE 7.2

AGREEMENTS NEGOTIATED WITH THE ILA

AGREEMENT	REQUIRED FOR	PROVISIONS
<p>PARTICIPATION AGREEMENT</p>	<p>Required for: Commercial Leases: 1,2,3, Land Use Permit: A,B,C, Right of Way. Not required for a Land Use Licence, Reconnaissance Permit, Concession, Quarry Licence or Quarry Concession, Public Lease or Grazing Permit.</p> <p>The owner of a valid right or interest issued by Canada on Inuvialuit-owned lands shall be guaranteed access. Before exercising the access right, a developer must conclude a PARTICIPATION AGREEMENT, unless otherwise agreed by the ILA.</p> <p>A PARTICIPATION AGREEMENT sets out rights and obligations of parties, including terms and conditions under which the ILA shall grant right(s) and under which the party shall have access on and across Inuvialuit Lands. Each right under the PARTICIPATION AGREEMENT shall directly relate to and be necessary for the activities to be carried out under the valid right or interest issued by Canada.</p>	<p>Shall identify with respect to each Right terms and conditions (S.10(3)) for:</p> <ul style="list-style-type: none"> ▶ Costs for ILA inspections ▶ Wildlife compensation, restoration and mitigation; ▶ Employment, service and supply contracts; ▶ Education and training; and ▶ Equity participation or other types of participatory benefit.
<p>ACCESS AGREEMENT</p>	<p>For access on and across Inuvialuit-owned lands to exercise rights issued by ILA other than a right issued pursuant to a Participation Agreement. Needed for Reconnaissance Permit, Concession, Quarry Licence or Quarry Concession. Also required for access across Inuvialuit-owned lands to exercise rights issued by Canada on Crown lands.</p> <p>Except, where holder has concluded a COOPERATION AGREEMENT relating to a Quarry Licence, Land Use Permit, or a Temporary Right-of-Way, terms of ACCESS AGREEMENT shall be limited to supply of local goods and services.</p>	<p>Subject to payment of fair compensation for access and land rents.</p> <p>Identifies with respect to each right of access:</p> <ul style="list-style-type: none"> ▶ Employment service and supply contracts; ▶ Education and training; and ▶ Equity participation ▶ Wildlife compensation, restoration and mitigation.
<p>COOPERATION AGREEMENT</p>	<p>Optional, for any rights issued by the ILA. The ILA and any rights-holders on Inuvialuit lands may enter into a COOPERATION AGREEMENT. Serves as an "enabling agreement". Signed by the Chair of IRC.</p> <p>Where a COOPERATION AGREEMENT has been concluded, the Administrator shall take the provisions into account in the procedures for issuance of rights.</p>	<p>May deal with time-frame and procedures for concluding various Participation Agreements, and employment education, training and business opportunities for Inuvialuit, and such other matters as agreed.</p>
<p>CONCESSION AGREEMENT</p>	<p>For larger projects that are wholly or partially on Inuvialuit-owned 7(1)(a) lands. A CONCESSION AGREEMENT gives a developer an exclusive right to explore for Inuvialuit-owned sub-surface resources, and sets out the royalty and revenue-sharing framework.</p> <p>Applies to specific area for a specified term. The lands covered by the CONCESSION AGREEMENT may include other non-7(1)(a) lands.</p>	<p>Terms can include:</p> <ul style="list-style-type: none"> ▶ Security of tenure ▶ Royalties on production ▶ Work requirements ▶ Bonus and Rental payments ▶ Participation or back-in rights ▶ Surrender obligations

Chapter 8 LAWS OF GENERAL APPLICATION

No matter where the mineral target is in the Inuvialuit Settlement Region (ISR), whether on Crown land or on Inuvialuit-owned lands, the mineral operator must not only meet the requirements of the IFA but also comply with “**Laws of General Application**”, that is, the full range of other federal and territorial laws and regulations.

Chapters 7, 9, 10 and 11 deal with the arrangements on the various types of land for obtaining authorizations for mineral rights and land use. This chapter lists the main requirements under the “**Laws of General Application**”. As work progresses from initial exploration to more invasive activities, these requirements become more numerous and require more detail in the application. This Chapter deals with legislation specific to mineral activities, however other statutes do apply, as summarized on Table 5.0.

A list of federal and territorial legislation affecting the ISR is provided in Appendix C. For internet access to federal legislation and regulation, contact the Department of Justice web-site, at <http://canada.justice.gc.ca/loi/reg/index-en.html>.

An important contact for help with understanding the range of requirements is the Mineral Resources Directorate in DIAND in Yellowknife. This office provides a Pathfinder service, to assist mineral prospectors and developers in understanding the regulatory requirements across the NWT, and is currently preparing a guide for mineral operators working in the NWT.

Contact: Manager, Mineral Resources Directorate, DIAND Yellowknife
Reference: Pathfinder Services

Addresses, contact numbers and e-mail addresses for each of the contacts noted in this Chapter are listed in the directory in Appendix D.

8.1 Corporate Registration

As a starting point, a company intending to do mineral work in the ISR (or anywhere in the NWT) must first register as a corporation and with the NWT Workers Compensation Board.

8.1.1 *Business Corporations Act (NWT)*

In order to obtain a Corporate Prospector’s Licence, and in order to apply to the ILA for rights, a corporation must register under the Business Corporations Act (NWT).

Contact: Registrar of Corporations, Legal Registries
 Department of Justice, Government of the NWT
Reference: Business Corporations Act (NWT)

8.1.2 *Workers Compensation Act (NWT)*

All employers engaged in exploration and mining operations, from initial prospecting through all stages including abandonment, must register with the NWT Workers Compensation Board in Yellowknife within ten days of commencing business operations.

Contact: Assistant Director, Revenue, NWT Workers Compensation Board, Yellowknife
Reference: Workers Compensation Act (NWT)

8.1.3 *Mine Health and Safety Act: Notification Requirement*

Companies intending to conduct exploration or mining activities that involve mechanical excavation of the land must first notify the Chief Inspector of Mines in writing, before commencement of activities. Notice must include information on the location of the property, the amount of drilling, start date, and name of the drilling contractor. The operator must also submit information monthly respecting any accidents. There are further reporting requirements when the exploration is conducted in an area known or suspected to contain radioactive minerals. Safety inspections of the site may be done with short notice.

Contact: Chief Inspector of Mines, NWT Workers Compensation Board, Yellowknife
Reference: Mine Health and Safety Act and Regulations

8.2 Access Restrictions: Protected Areas

Chapter 6 lists areas within the Inuvialuit Settlement Region (ISR) under some form of restriction on mineral activity. In particular, mineral activities are prohibited in National Parks. Be sure to check whether your target area is in or near any of these protected areas. If so, contact the agency or organization to discuss operating restrictions.

8.3 Research Authorizations

Exploration programs, even at preliminary stages, often include initial environmental reconnaissance and baseline work. In order to conduct scientific research in the NWT, permits are required as follows.

8.3.1 *Scientists Act (NWT)*

A Scientific Research Permit is required for any environmental or other scientific research (except for wildlife or archaeological research) that may be conducted in relation to the mineral activities undertaken. Permits require that plain-language reports on research results be submitted upon completion of the work.

Contact: Science Licensing Officer, Aurora Research Institute, Inuvik
Reference: Scientists Act (NWT)

8.3.2 ***Wildlife Act (NWT)***

A Wildlife Research Permit is required to conduct any research on wildlife or related to wildlife (for example, habitat) in the NWT. The purpose of this requirement is to ensure that communities and government know what is happening on the land and that the knowledge gained from research is disseminated. Because the review process involves consultation with a range of interests, it is important for an applicant to apply early and to complete consultation in time to incorporate the feedback of communities into the application.

Contact: Director, Wildlife and Fisheries, RWED, Yellowknife
Reference: Wildlife Act (NWT) and Regulations

8.3.3 ***Archaeological Research and Site Protection***

Archaeological sites are protected by both federal and territorial legislation, and developers must take care to ensure that sites are not disturbed. An operator who encounters prehistoric remains in the course of his activities is responsible for notifying the Prince of Wales Northern Heritage Centre of any findings and must safeguard the site. Excavation and removal of artifacts must be done by a qualified holder of an Archaeologist's Permit.

Contact: Senior Archaeologist, Prince of Wales Northern Heritage Centre
Reference: Historical Resources Act (NWT)
 Northwest Territories Act, Archaeological Sites Regulations
 Territorial Lands Act, Territorial Land Use Regulations s.16(a) and (b)

8.4 **Use of Waters**

Under the IFA, the federal Crown retains ownership and control of all waters in the Region. So while applications for land use are made to the ILA or to DIAND, applications for water use anywhere in the Region are covered by the Northwest Territories Waters Act and related “**Laws of General Application**”.

8.4.1 ***NWT Waters Act and Regulations***

If work involves the use of inland water, or direct or indirect disposal of waste into water, or physical alterations to inland waterways, the Northwest Territories Waters Act applies. The Act and Regulations set thresholds for activities, based on the volume of water used, alteration of flow, deposit of waste from a campsite or mine, and potential for aquatic effects: activities that will exceed these thresholds require a water licence, either Type B (the lower threshold) or Type A (for larger undertakings). Whether a Water Licence is required depends on the amount of water required per day and whether there is discharge of waste to surface water. (Threshold requirements are copied in Appendix B of this Guide.)

Water Licences are obtained by applying to the NWT Water Board. Water licences set the terms and conditions for the use of waters, and may include a range of conditions for security deposits, construction and modifications, operation and maintenance, spill contingency planning, water quality and quantity measurements, effluent standards and studies, abandonment and restoration of the site, and any other relevant conditions.

Application for a Water Licence is begun by submitting a Schedule III application form, the application fee, the first year's water use fee, a Project Description, a description of potential environmental concerns and impacts, a baseline assessment of the environment, and an assessment of socio-economic issues of concern. The Water Resources Division of DIAND will help to explain specific requirements.

In reviewing an application, the NWT Water Board can hold public hearings. Public hearings are not normally held for Type B licences, though they can be. A public hearing is required for Type A licences. The Board posts notice of a hearing for Type A licences, but if no interventions are received in advance of ten days before the hearing date, the NWT Water Board may cancel the hearing.

An application is first reviewed for completeness. It may be sent back to the applicant if all the information required is not included. The NWT Water Board refers the application for review by the Technical Advisory Committee (TAC), a committee composed of scientific authorities from various government agencies, industry, and representatives from special interest groups. The applicant may be invited to make a presentation to TAC and to answer questions. TAC then drafts the licence for consideration of the NWT Water Board. In the case of a Type A Licence, the Board then reviews the draft Licence and any comments received, finalizes the Licence and refers to the Minister of DIAND for approval

In the case of Type B licences, the Board reviews and may alter the draft licence, and then approves it. The Water Board Chairman usually signs licences, but if a public hearing is held for a Type B Licence, the Minister must approve it.

Monitoring of the conditions in water licences is the responsibility of DIAND Water Resource Officers. Water Resources Division, the Northern Analytical Laboratory, and the NWT Water Board are also involved in ensuring that licence conditions are met.

With the changes introduced in the Mackenzie Valley Resource Management Act and with the creation of the Nunavut Territory, the NWT Water Board will no longer sit for the Mackenzie Valley or for Nunavut. Discussions are underway for a successor agency that would continue to administer water in the ISR. Until a new agency is established, completed applications should be submitted to the NWT Water Board:

Contact: Executive Assistant, NWT Water Board, Yellowknife
Reference: NWT Waters Act and NWT Waters Regulations

For technical advice on how to complete the application:

Contact: Water Resources Division, Regulatory Approvals, DIAND Yellowknife
Reference: NWT Waters Act and NWT Waters Regulations
(Guidelines available on water management are listed in Chapter 9, Section 4.)

8.4.2 *Fisheries Act and Regulations*

In the course of reviewing a water licence application, the Water Resources Division of DIAND on behalf of the NWT Water Board will circulate the application to the Department of Fisheries and Oceans (DFO). DFO has the responsibility for protecting fish and fish habitat and provides one member to the Technical Advisory Committee to the NWT Water Board.

DFO administers and enforces the provisions of the Fisheries Act and DFO policy. The intent of the Fisheries Act is to protect fish, marine mammals, and their habitats. The Act, among many other provisions, prohibits the destruction of fish by any means other than fishing. Fish habitat may not be harmfully altered, disrupted or destroyed, nor can fish passage or stream channels be obstructed. In this DFO shares a common interest with the NWT Water Board. The Fisheries Act provides the authority to require alteration of plans, termination of existing operations or imposition of fines. The Act also allows for the authorization of habitat alteration, disruption or destruction, subject to stringent requirements.

When DFO receives an application for a development or activity, it is reviewed for potential impacts on fish and fish habitat. If upon initial review, DFO determines that habitat alteration, disruption or destruction is likely and cannot be mitigated, then a Fisheries Authorization will be required. A Fisheries Authorization will list conditions of operations and requirements for the compensation of lost or altered habitat. In order to make the determination as to whether an authorization is required or not, proponents should provide information on the existing aquatic environment, potential impacts of the activities and proposed mitigation. If an Authorization is not required (i.e. if the potential impacts can be mitigated or if the impacts are considered insignificant) a Letter of Advice with general mitigation is provided. Terms and conditions to protect fish and habitat can be attached to permits or licenses if an Authorization is not required.

Department of Fisheries and Oceans also administers the Fish Habitat Management Policy, the objective of which is to achieve a net gain of fish habitat using the guiding principle of no net loss of habitat. Where habitat loss is unavoidable, attempts will be made to replace habitat. So for example, if a mining or exploration plan involves the damage of or loss of fish habitat, the applicant is required to compensate, preferably with the creation or enhancement of other habitat. The instrument used for habitat compensation is a Compensation Agreement with the developer, enforceable by DFO.

It is important to consult early with the DFO regarding the Fish Habitat Management Policy and other regulations to ensure that plans accommodate these requirements before being submitted to the review process. Otherwise, the application may be long delayed while such matters are discussed and an agreement achieved.

Contact: Area Habitat Biologist, Western Arctic Region, Yellowknife
Department of Fisheries and Oceans (DFO)
Reference: Fisheries Act, Fish Habitat Management Policy
Fishways Obstruction Removal Regulations
NWT Fishery Regulations

The Environmental Protection Service of Environment Canada also has responsibilities in relation to the Fisheries Act and the Environmental Protection Act. Specifically, the Fisheries Act prohibits the deposition of deleterious substances in waters frequented by fish, and provides the authority to control such deposition. Deposition violates the Fisheries Act unless the deposit has been permitted by a regulation under the Act or another federal law.

Contact: Chief, Environmental Quality Division,
Environmental Protection Service, Environment Canada, Yellowknife
Reference: Fisheries Act
Metal Mining Liquid Effluent Regulations
Guidelines for Canadian Drinking Water Quality, Health and Welfare Canada

8.4.3 Arctic Waters Pollution Prevention Act

The Arctic Waters Pollution Prevention Act regulates development and shipping activity in Canadian arctic marine waters, and prescribes limits of liability for unauthorized deposits of waste. Regulations pursuant to the Act allow for the review and approval of plans and installations in Arctic waters that could be a source of water pollution.

Transport Canada administers Arctic shipping, and DIAND administers non-shipping activities such as drilling and dredging.

Contact: Canadian Marine Transportation Administration, Transport Canada
Reference: Arctic Waters Pollution Prevention Act
Arctic Shipping Pollution Prevention Regulations
Pollutant Substances Regulations

Contact: District Manager, North Mackenzie District, Northern Affairs Program DIAND
Reference: Arctic Waters Pollution Prevention Act and Regulations

8.4.4 Navigable Waters Protection Act

Where mining activities may obstruct navigable waters, authorization is required under the Navigable Waters Protection Act. The purpose of this Act is to protect the public right of navigation by prohibiting the building or placement of any work in, upon, over, through or across navigable waters without approval of the Minister of Transport Canada. (The interpretation of “navigable” is very broad.)

Regulations pursuant to this Act require the removal of all equipment at the completion of the work, and of any debris on the water surface or bed. In addition, all works for the exploration and development of natural resources from the waters must be provided with lights and a reliable sound signal.

Contact: Senior Navigable Waters Officer
Canadian Coast Guard - Department of Fisheries and Oceans
Reference: Navigable Waters Protection Act
“Navigable Waters Protection Application Guide”

8.5 Environmental Protection

8.5.1 *Canadian Environmental Assessment Act*

The Canadian Environmental Assessment Act sets out the requirements for the assessment and review of projects involving the federal government. The Act requires that projects that are authorized, proposed or funded by the federal government and projects proposed on federal lands be assessed by the appropriate federal authorities. DIAND is therefore required to assess all applications for Land Use Permits, Surface Leases and Water Licences and take a decision pertaining to the likely environmental effects of these projects, prior to issuing approvals.

Under the IFA, development proposals on Crown lands within the ISR must be screened, and if necessary, reviewed by the IFA Environmental Screening and Review Process (Chapter 4). There is clearly potential for duplication of screening, and for different results from the IFA process on one hand and CEAA on the other. Although DIAND is formally responsible for screening under CEAA and does conduct screening for all applications, the final decision on an authorization takes into consideration the results of the IFA process. The application of this Act to a substantial project in the ISR has yet to be tested. This issue is discussed further in Chapter 12 section 5 of this Guide.

Contact: Regulatory Approvals, DIAND
Reference: Canadian Environmental Assessment Act
Regulations and guides

8.5.2 *Spills and Leakages: Canadian Environmental Protection Act*

Commonly, the Land Use Permit will specify conditions for the management, transportation and disposition of waste from a drilling program. In addition there are requirements under the Canadian Environmental Protection Act and the NWT Environmental Protection Act in relation to disposal and transportation of toxic waste. In the case of drilling, some problems can be avoided by using non-toxic drilling fluids and additives, and obtaining prior approval of fluids and disposal methods.

The Canadian Environmental Protection Act provides authority to protect the environment and human health by controlling sources of toxic substances entering the environment. The Act provides for control of the “life cycle” of toxic substances, and for regulation of releases of toxic substances, and requirements for reporting of release incidents. Substantial fines can be levied for violations. There are parallel requirements under the territorial Act. Furthermore, residents of the NWT have the right under the Environmental Rights Act to acquire information on contaminants; the Act also affirms the right to bring private prosecution of environmental offenses.

Contact: Chief, Environmental Quality Division, Environmental Protection Service
Reference: Canadian Environmental Protection Act
Arctic Waters Pollution Prevention Act

Contact: Director of Pollution Control, RWED
Reference: Environmental Protection Act, NWT
Environmental Rights Act (NWT)

8.5.3 Toxic Waste: Transportation of Dangerous Goods

Transportation of toxic materials on NWT highways is regulated by both federal and territorial statutes under the name of Transportation of Dangerous Goods Act. These Acts apply to all handling and transportation of dangerous goods, classified according to definitions set out in the statutes. Transportation of explosives is covered under these Acts. The territorial Act applies to transportation of dangerous goods on NWT highways. Among other requirements, regulations prescribe safety standards and requirements for marking dangerous goods.

Contact: Transportation of Dangerous Goods Officer
Resources Wildlife and Economic Development (RWED)

Reference: Transportation of Dangerous Goods (NWT)
Canadian Environmental Protection Act

Contact: Regional Manager, Western Region
Transport Canada, Winnipeg

Reference: Transportation of Dangerous Goods Act

8.6 Requirements Specific to Activities

8.6.1 Airborne Geophysical: Migratory Bird Convention Act

Under the Migratory Bird Convention Act, airborne geophysical surveys must comply with flight restrictions for areas of wildlife concentrations, migratory bird staging and nesting areas, and must avoid areas of raptor nesting, bird nesting, bird colonies or migration staging areas. (Above 500 m in areas of wildlife concentrations, above 3000 m in goose staging areas.)

Contact: Chief, Northern Conservation Division, Canada Wildlife Service

Reference: Migratory Bird Convention Act and Regulations
Key Migratory Bird Terrestrial Habitat Sites in the NWT, Occasional Paper 71

Inuvialuit co-management groups have developed recommendations on environmentally acceptable minimum flight altitudes, which should also be consulted.

Contact: Wildlife Management Advisory Council (WMAC)

Reference: Recommended minimum flight altitudes

The Wildlife Act (NWT) prohibits disturbance or harassment of wildlife. Operators should contact the Department of Resources, Wildlife and Economic Development to discuss recommended precautions for flying in specific areas at various times of the year.

Contact: Manager, Legislation and Enforcement, Yellowknife

Reference: Wildlife Act (NWT)

The Canada Wildlife Act and Wildlife Area Regulations bear on activities affecting wildlife:

Contact: Chief, Northern Conservation Division, Canadian Wildlife Service

Reference: Canada Wildlife Act, Wildlife Area Regulations

8.6.2 *Blasting, Drilling or Trenching*

Before blasting, drilling or trenching may begin, the prospector must notify the Chief Inspector of Mines and must submit an operational plan and a safety plan.

Contact: Chief Inspector of Mines, NWT Workers Compensation Board, Yellowknife
Reference: Mine Health and Safety Act and Regulations

8.6.3 *Use of Explosives*

Anyone carrying out blasting other than at an operating mine site, will require an Explosives Permit. (Use of explosives in a mining operation or quarry is covered under the Mine Health and Safety Act.) The applicant must have at least six months experience as an assistant to a permit holder and must pass an examination on the use of explosives.

Depending on the amount of explosive used or stored, a Magazine Licence may also be required (if more than 75 kg of explosives or 100 detonators are used (and stored on site at one time) or if explosives are stored for more than 90 days). Fees are charged for a Blaster's Certificate, a Permit to Store Detonators, and an Explosives Magazine Permit. Transportation of explosives is also covered by the Transportation of Dangerous Goods Act and by the Land Use Guidelines that are incorporated into Land Use Permits.

Contact: Chief Inspector of Mines, NWT Workers Compensation Board, Yellowknife
Reference: Explosives Act and Regulations
 Explosives Use Act (NWT) and Regulations
 Mine Health and Safety Act and Regulations

Contact: Office of Environmental Affairs, Natural Resources Canada, Ottawa
 Explosives Act and Regulations

8.6.4 *Permit to Burn: Forest Protection Act (NWT)*

Forest resources are protected under the Forest Protection Act (NWT). Pursuant to this Act, a Permit to Burn is required for outdoor fires for purposes other than cooking or warmth during the Close Season from May 1 to September 30, and industrial operators must equip work-sites with fire-fighting equipment as specified. The Act requires that the owner of a camp or mine keep the site and surroundings cleared of inflammable material. In a season of extreme fire risk, the Commissioner is empowered to declare any part of the forest area to be a closed district in which case travel, work and the use of outdoor fires would be severely curtailed.

Provisions for forest protection may not be attached to the Land Use Permits issued by DIAND, (discussed in Chapter 9 Section 3) so an operator should contact the Territorial Forest Fire Centre for specific requirements.

Contact: Director, Forest Fire Centre
Reference: Forest Protection Act (NWT)

8.6.5 Fuel Storage and Fire Prevention

The Fire Prevention Act (NWT) governs fire prevention above ground. The Mine Health and Safety Act governs fire prevention below ground. The Fire Prevention Act (NWT) provides for the appointment of a Fire Marshall, who shall investigate fires that do occur, inspect premises, review construction plans, and who can order the owner to remedy infractions. The Fire Marshall can also order the owner to close operations until infractions are remedied.

Fuel storage conditions will be stipulated in the Land Use Permit or Surface Lease. There are also specific requirements for securing and disposing of propane cylinders.

Contact: Fire Marshall
Reference: Fire Prevention Act (NWT) and Regulations
Propane Cylinder Storage Regulations

8.6.6 Sanitation for Field Camps: Public Health Act

Field camps must comply with the requirements for sanitation set out in the Public Health Act.

Contact: Director, Health Legislation and Policy, Health and Social Services
Reference: Public Health Act, Camp Sanitation Regulations

8.6.7 Campsite Protection against Bear Attacks

Field camps can attract unwelcome attention from bears, including grizzly bears, polar bears and black bears. The Department of Resources, Wildlife and Economic Development (Government of NWT) can provide advice on how to avoid bear attacks. Inuvialuit communities are concerned about the possibility of polar bear or grizzly bear kills in self-defense, because it reduces the number of tags available to the community for sport hunting. A common condition for exploration activities is the requirement to employ a bear monitor. In addition, there are regulations under the Wildlife Act (NWT).

Contact: Coordinator, Regional Operations
Resources Wildlife and Economic Development (NWT)
Reference: Wildlife Act (NWT)
Polar Bear Defense Kill Regulations

8.7 Safety: Mine Health and Safety Act (NWT)

The Mine Health and Safety Act governs safe operations of exploration and mining activities in the NWT. The larger the scale of the activity, the more safety requirements and standards must be complied with.

In the case of exploration, the Chief Inspector of Mines must be notified of exploration or mining activity involving mechanical excavation of the land surface by more than hand tools. A Safety Program and Operation Plan are required before blasting, diamond drilling or mechanical trenching may commence.

By the time a project has reached the Advanced Exploration Stage and begun to mine, albeit on a small scale,

a wide range of requirements apply. Before mining activities can commence, the operator must obtain approval from the Chief Inspector of the mining plan.

The Mine Health and Safety Act sets out the requirements for mine owners and operators: the primary of which is that they must be aware of their obligations under the Act. Among these obligations is the requirement for the owner/operator to keep and to submit a number of plans:

A Mine Plan, Surface Plan, Level Plans, Vertical Mine Section and Ventilation Plans must be kept. The details of these plans must comply with regulations that set standards for: ventilation of mine works, safety of mechanical and electrical equipment, ground support and stability, de-watering systems, air quality, noise abatement, Workplace Health and Material Information, first aid, sanitation, fire prevention, emergency procedures, exposure monitoring, personnel training on safety and emergency responses, and mine rescue stations.

The Act and Regulations also govern operation of the surface and underground works, as well as the arrangements for closure, by enabling the Inspector to issue orders to fill in, fence or otherwise make safe the site after operations are complete. If an Inspector finds there to be a contravention of these requirements, he can issue orders to comply, and, if worker safety is at risk, can issue a stop work order until the contravention has been remedied.

Certificates are required under the Act for Supervisors, Shift Boss, for Hoist Operator, for Blaster and for Underground Diesel Equipment.

The Chief Inspector of Mines also has a role in the implementation of legislation governing boiler and pressure vessel design, construction, operation and repair, as well as legislation governing the location, installation, repair and removal of gas equipment.

Contact: Chief Inspector of Mines, NWT Workers' Compensation Board
Reference: Mine Health and Safety Act (NWT) and Regulations
BoilerS and Pressure Vessels Act (NWT)
Gas Protection Act (NWT)

8.8 Mine Labour

Mine labour is governed by a range of territorial Acts, including the Mine Health and Safety Act, the Workers' Compensation Act, the Labour Standards Act, the Apprentices and Tradesmen Act, Miners Liens Act, and the Fair Practices Act.

Other territorial legislation governs standards of medical care in mining camps. In addition, the Canada Labour Code sets standards for workers' safety, in particular Noise Control Regulations, and Sanitation Regulations.

Contact: Director, Western Region, Calgary, Human Resources and Development Canada
Reference: Canada Labour Code, Part 1
Noise Control Regulations
Sanitation Regulations
Canada Labour Standards Act
Canada Labour Standards Regulations
Canada Labour Relations Board Regulations
Canada Industrial Relations Regulations

Contact: Chief Medical Officer
Health and Social Services, GNWT
Reference: Medical Care Act, Coroner's Act
Emergency Medical Aid Act, Public Health Act

Minimum working conditions for all non-government employees are set by the territorial Labour Standards Act and Regulations.

Contact: Labour Standards Officer, Department of Justice NWT
Reference: Labour Standards Act (NWT)

Contact: Fair Practices Officer, Department of Justice NWT
Reference: Fair Practices Act (NWT)

Contact: Chief Industrial Safety Officer
Reference: Safety Act (NWT)

8.9 Transportation

Given the limited public infrastructure in the ISR and in the NWT generally, most transportation of production, equipment and workers will be governed by the Land Use Permit. Transportation facilities such as air strips or harbours are subject to other federal legislation. In remote locations, air transport is the chief means of access.

Contact: Director General, Aviation Regulation, Transport Canada
Reference: Aeronautics Act

Contact: Regional Manager, Transport Canada
Reference: Canada Shipping Act, Transport Act

Contact: Director General, Harbours and Ports, Transport Canada
Reference: Public Government and Port Facilities Act

Contact: Registrar of Motor Vehicles
Reference: Motor Vehicles Act (NWT)

8.10 Atomic Energy Control Act

The Atomic Energy Control Board regulates mining, processing, development, removal and sale of uranium and thorium, with an emphasis on miner health and safety and protection of the public from excessive radioactive release into the environment. A variety of licences are required for exploration, siting or construction, ore excavation, ore removal, and for site decommissioning. In addition the Atomic Energy Control Act and Regulations have requirements for any equipment using radioactive materials, including radiometric equipment and security scans.

Contact: Manager, Uranium Facilities Division, Atomic Energy Control Board
Reference: Atomic Energy Control Act

The two principal laws governing mineral activities on Crown land in the ISR are the Territorial Lands Act and the Western Arctic (Inuvialuit) Claims Settlement Act implementing the Inuvialuit Final Agreement. This Chapter outlines the requirements of these Acts, and shows how they and the requirements of Laws of General Application escalate with progressive stages of mineral activity conducted on Crown Land.

Seven stages of mineral exploration and development on federal Crown lands are distinguished here:

- **Regional Exploration (Below Threshold for Land Use Permit)**, Section 9.5 and Table 9.0
- **Regional Exploration (Above Threshold for Land Use Permit)**, Section 9.6 and Table 9.0
- **Mineral Rights Acquisition**, Section 9.7 and Table 9.1
- **Primary Mineral Exploration**, Section 9.8 and Table 9.2
- **Advanced Mineral Exploration**, Section 9.9 and Table 9.3
- **Mineral Development and Production**, Section 9.10 and Table 9.4
- **Mine or Site Closure**, Section 9.11 and Table 9.5

In reality, the sequence of these stages may vary for any particular project. For instance, an operator may first obtain mineral rights by staking, before conducting any exploration activities.

9.1 Federal Crown Lands

Crown Lands are all those lands for which the title was not transferred to the Inuvialuit under the IFA.

On federal Crown lands, both the surface and subsurface rights are owned by the Government of Canada. In the onshore, most federal Crown lands are farther away from the communities than are Inuvialuit-owned lands. Crown lands are administered and controlled by the Department of Indian Affairs and Northern Development (DIAND) with the exception of Commissioner's Lands, comprising a few smaller blocks of land in or near communities, for which the administration and control has been transferred to the Government of the NWT. Commissioner's Lands are discussed further in Chapter 10 of this Guide.

Federal Crown lands are subject to the Territorial Lands Act and regulations pursuant to the Act, namely:

- **Canada Mining Regulations**, which regulate the disposition of mineral rights in the NWT;
- **Territorial Lands Regulations**, which apply to long term use/occupancy of Crown land and require that a Lease, Licence or Agreement of Sale be obtained;
- **Territorial Land Use Regulations**, which require Land Use Permits as a means of controlling such land use activities as camps, access roads, drilling, use of heavy equipment and fuel caches;
- **Territorial Coal Regulations**, which govern the exploration for and extraction of coal
- **Territorial Dredging Regulations**, which govern the disposition of leases and rights to dredge for minerals in submerged river beds;
- **Territorial Quarrying Regulations**, which regulate the quarrying of granular materials.

9.2 Role for the Inuvialuit on Federal Crown Lands

On Crown lands, the IFA creates an important role for Inuvialuit in reviewing proposals for development. All mineral projects that require a permit or lease from the Department of Indian and Northern Affairs (DIAND) are subject to the IFA Environmental Impact Screening and Review Process. Only the lowest impact projects that are below the threshold for a Class B Land Use Permit would not be subject to the IFA Environmental Screening and Review Process.

This process obliges developers to consult with communities, their organizations and with co-management organizations. The results of the process are taken into consideration by DIAND when making its final decisions on authorizations. The IFA also requires DIAND to apply benefits guidelines to give Inuvialuit individuals and firms opportunities to participate in economic activity.

9.3 Mineral Rights and Land Use Permits

9.3.1 Issuance of Mineral Rights on Crown Lands

The issuance of mineral rights on Crown Lands and on Inuvialuit 7(1)(b) lands is the responsibility of DIAND under the Territorial Lands Act and the Canada Mining Regulations. Certain lands are excepted from the Canada Mining Regulations, in particular:

- Lands under the National Parks Act
- Lands where either the minerals or surface rights have already been granted or leased by the Crown
- Lands administered by National Defense, Natural Resources Canada or Transport Canada.

The Regulations cover staking and recording of claims and resolution of disputes.

The Canada Mining Regulations, and in the case of coal, the Territorial Coal Regulations, are key references for the mineral prospector or developer. These Regulations cover mineral staking, recording of claims and resolution of disputes, and set out in detail procedures, royalties payable, reporting requirements, and representation work. The Regulations and further information can be obtained from DIAND.

Contact: Mining Recorder's Office, Yellowknife
Reference: Territorial Lands Act
Canada Mining Regulations
Territorial Coal Regulations

9.3.2

Land Use Authorizations on Crown Lands

In order to exercise mineral rights, a rights-holder must obtain approval for activities that occupy and use the surface of the land. Land use operations are governed by the [Territorial Lands Act](#), the [Territorial Land Use Regulations](#) and in cases where land use operations involve the use of water, also by the [NWT Waters Act](#) (See Chapter 8: Laws of General Application).

Certain mineral activities do not require a Land Use Permit. In particular, Section 6(b) of the [Canada Mining Regulations](#) excludes anything done in the course of prospecting, staking or locating a claim, so long as such activities do not exceed the threshold set for Class B Permits. Nevertheless there are guidelines for “Below Threshold” activities, described in Chapter 5 and in Section 9.5 of this Chapter.

More intense exploration and development activities generally require either a Class B Land Use Permit or a Class A Land Use Permit, according to the thresholds set out in the [Territorial Land Use Regulations](#). These thresholds relate to the use of explosives, of vehicles of a certain weight, use of power machinery, campsite duration, fuel storage capacity, and trail construction. (These thresholds are copied in Appendix B to this Guide.)

Both classes of Land Use Permits can be issued for up to two years, and can be extended for one year beyond that. Regulations allow for the attachment of a wide range of terms and conditions, respecting location of the work and facilities, seasonality of work, type and size of equipment used, methods of operation, of water use, of disposal of toxic substances, protection of wildlife and fisheries, protection of places of recreation, scenic and cultural value, and security deposits. Under the [Territorial Land Use Regulations](#), the Engineer of Mines may require security deposits of \$100,000 maximum. These are released to the developer when, at the end of the operation or expiry of the permit, the Engineer of Mines is satisfied that all conditions have been met and issues a letter of clearance.

Completed applications for Land Use Permits must be submitted to the Engineer of Mines, along with the application fee, land use fee, a complete description and summary of operations, a baseline of the environmental resources of the area and assessment of environmental, resource and socioeconomic effects.

Review of an application in the ISR involves many participants. DIAND circulates the application to other agencies of government for their comment and to the EISC to start the IFA Environmental Screening (and if necessary Review) Process. Under the [Territorial Land Use Regulations](#), most Land Use Permits take from 30 to 42 days from the date the application is received to the date of issuance. Permits for both A and B permits can be delayed beyond that if further studies are required or if Environmental Screening and Review take longer.

Contact: Engineer of Mines, DIAND, Yellowknife, or
Contact: District Manager, North Mackenzie District Office, DIAND, Inuvik
Reference: [Territorial Lands Act](#)
[Territorial Lands Regulations](#)
[Territorial Land Use Regulations](#)
[Territorial Dredging Regulations](#)
[Territorial Quarrying Regulations](#)

9.4 Federal Guidelines for Land and Water Use

A vital source of information on federal standards for land and water use, both in the ISR and throughout the northern territories are the guideline documents available from DIAND. Although these guidelines do not themselves have the force of regulations, the requirements can be given force if they are attached to Land Use Permits, Leases or Water Licences issued by the Minister.

Land and water use guidelines can be obtained from the contacts noted, with numbers and addresses in Appendix D to this Guide. Note that DIAND is currently revising some of these documents. Please contact DIAND directly for the most up-to-date documents.

9.4.1 Guidelines Available from DIAND Land Administration

- *Land Use Guidelines: Mineral Exploration Yukon and NWT*, DIAND, 1994
- *Natural Resource Development in the NWT: Requirements, Procedures and Legislation*, DIAND
- *Environmental Operating Guidelines, Pits and Quarries*, DIAND, 1994
- *Land Use Guidelines: Access Roads and Trails*, DIAND, 1994
- *Environmental Operating Guidelines: Access Roads and Trails*, DIAND
- *Reclamation Guidelines for Northern Canada*, DIAND
- *Placer Mining in the Northwest Territories*, DIAND
- *Guide to Completing Application for a Land Use Permit Pursuant to the Territorial Land Use Regulations*

Contact: Manager, Land Administration, DIAND, Yellowknife, or
 District Manager, North Mackenzie District Office, Inuvik

9.4.2 Guidelines Available from the NWT Water Board

- *Guidelines for the Discharge of Treated Municipal Wastewater in the NWT*, 1992
- *Guidelines for Tailings Impoundment in the NWT*, February 1987
- *Guidance for Northern Aquatic Effects Monitoring*, Water Resources Division, DIAND, October 1997
- *Guidelines for Contingency Planning*, January 1987
- *Guidelines for Abandonment and Restoration Planning for Mines in the NWT*, September 1990
- *Guidelines for Acid Rock Drainage Prediction in the North*
- *Mining Industry Questionnaire for Water Licence Applications*, November 1997
- *Mining Exploration and Development Questionnaire for Water Licence Applications*, August 1995
- *Mine Reclamation in the NWT and Yukon*, DIAND, April 1992
- *Water Licensing in the Northwest Territories: Summary of Procedures and Information Requirements*, January 1996, Revised: January 1997
- *QAQC Guidelines for Use by Class A Licensees (Also available for Class B Licensees)*
- *Northern Mine Environmental Neutral Drainage Studies*, DIAND (In four volumes)
- *Bibliography of Materials on the Effects of Hard Rock Mining on the Aquatic Environment of Northern Canada*, DIAND, June 1995

Contact: Water Resources Division, Regulatory Approvals, DIAND, Yellowknife

9.5 Stage 1: Regional Exploration Below Threshold

Stage 1 refers to initial stages of mineral exploration, including general prospecting, airborne geophysics, geochemical surveys, geological surveys, involving small and temporary field camps.

What does “Below Threshold” mean?

“Threshold” here refers to the activity thresholds that are set for Class B Land Use Permits. The Territorial Land Use Regulations explicitly **do not apply to**

“anything done in the course of prospecting, staking or locating a mineral claim unless it requires a use of equipment or material that normally requires a permit”. (s. 6.(b))

For example, a geological survey may require simply a Prospector’s Licence for permission to explore, but if the activity involves the establishment of a field camp, a Land Use Permit would be required for all but the smallest camp.

This section refers specifically to exploration activities below the thresholds for a Class B Land Use Permit, and which are also below the thresholds for a Type B Water Licence (See Appendix B).

Appended to every Prospector’s Licence or Prospecting Permit as “Attachment B” are the following guidelines:

- *Land Use Guidelines: Mineral Exploration Yukon and NWT, DIAND 1994,*
- *Letter of Notice to Holders of Permits and Licences, directing the holder to use the enclosed Environmental Sensitivity Map and accompanying Management Plan when planning activities and to consult with the Hunters and Trappers Committee in the areas where work is planned,*
- *Benefit Guidelines Associated with Mineral Exploration in the ISR,*
- *General Information,*
- *Caribou Protection Measures for the Inuvialuit Settlement Region.*

Although these guidelines do not have the force of law, they need to be taken seriously. The government needs the cooperation of companies and individuals to ensure that the terms of the IFA are met. Some background on this issue is described in Chapter 5 of this Guide.

9.5.1 Requirements for Mineral Exploration

The Territorial Lands Act governs the disposition and administration of federal and territorial Crown lands in the NWT, including mineral rights and access provisions. Detail is provided in the Canada Mining Regulations and the Territorial Land Use Regulations. Some exceptions for Commissioner’s Lands are discussed in Chapter 10 of this Guide.

Prospector’s Licence: Canada Mining Regulations

The first requirement for mineral exploration is a Prospector’s Licence, which permits an individual or company to enter, prospect and locate mineral claims on unoccupied Crown land.

Contact: Mining Recorder's Office,
Reference: Territorial Lands Act, Canada Mining Regulations

The Prospector's Licence is the minimum requirement. Mineral exploration can also be conducted under a Prospecting Permit, a Mining Lease, or a Mineral Claim: all of these require a Prospector's Licence as a prerequisite. In remote areas such as the ISR, exploration is commonly done under a Prospecting Permit.

9.5.2 Corporate Registration and Notification

In order to obtain a Corporate Prospector's Licence, a corporation must first register in the NWT under the Business Corporations Act.

As well, any company employing workers in the NWT must register with the NWT Workers Compensation Board.

There is a requirement to notify the Chief Inspector of Mines, pursuant to the Mine Health and Safety Act if the exploration involves mechanical excavation of the surface, beyond the use of hand tools. If in doubt about whether the planned activities require notification, check with the Chief Inspector of Mines.

The contacts for each of these requirements are provided in Chapter 8, and Appendix D.

Table 9.0 at the end of this Chapter summarizes the legislation and requirements for Regional Exploration Below Threshold.

9.6 Stage 2: Regional Exploration Above Threshold

Stage 2 refers to initial mineral exploration, including general prospecting, airborne geophysics, geochemical surveys, geological surveys, involving field camps, fuel use and storage, and trail access.

What does "Above Threshold" mean?

Threshold refers to the activity thresholds set out in the Territorial Land Use Regulations, under the Territorial Lands Act (These are copied in Appendix B to this Guide). To undertake land use activities above these thresholds, a prospector must obtain a Land Use Permit.

For example, according to the Canada Mining Regulations, the minimum requirement for conducting a geological survey is a Prospector's Licence. If the activity involves the establishment of a field camp however, a Land Use Permit will be required for all but the smallest camp.

9.6.1 Requirements For Mineral Exploration

Prospector's Licence: Canada Mining Regulations

The first requirement for any individual or corporation to undertake mineral exploration is a Prospector's Licence, which permits an individual or company to enter, prospect and locate mineral claims on unoccupied Crown land.

Contact: Mining Recorder's Office
Reference: Territorial Lands Act, Canada Mining Regulations

The Prospector's Licence is the minimum requirement. Mineral exploration can also be conducted under a Prospecting Permit, a Mining Lease, or a Mineral Claim: all of these require a Prospector's Licence as a prerequisite. In remote areas such as the ISR, exploration is commonly done under a Prospecting Permit.

9.6.2 Corporate Registration and Notification

In order to obtain a Corporate Prospector's Licence, a corporation must first register in the NWT under the Business Corporations Act (NWT).

Any company employing workers in the NWT is also required to register with the NWT Workers' Compensation Board.

Companies doing mineral exploration must notify the Chief Inspector of Mines under the Mine Health and Safety Act. Refer to Chapter 8 or Appendix D for these contacts.

9.6.3 Authorizations for Land Use

Activities that exceed the activity thresholds in the Territorial Land Use Regulations for trail construction, fuel storage and use, and camps will require a Land Use Permit, either Class A or Class B depending on the activity. The activity thresholds are copied in Appendix B to this Guide.

Land Use Permits set out operating conditions, and requirements for clean-up. They are issued for a maximum of two years, with an option for a one year extension thereafter. Inspections are conducted by DIAND during the operation and at its conclusion. See Section 9.3.

Contact: District Manager, North Mackenzie Region, DIAND Inuvik
Reference: Territorial Lands Act,
Territorial Land Use Regulations

Developments requiring a Land Use Permit are subject to the IFA Environmental Screening and Review Process. Refer to Chapter 4 of this Guide for background on the process. For authoritative information on specifics, contact:

Contact: Secretary, Environmental Impact Screening Committee, Inuvik
Reference: EISC Operating Guidelines and Procedures
Section 11, Inuvialuit Final Agreement

TABLE 9.0
REGIONAL MINERAL EXPLORATION SURVEYS
REQUIREMENTS ON FEDERAL CROWN LANDS IN THE ISR

LEGISLATION AND REGULATION	REGIONAL SURVEY Activities below threshold for Class B Land Use Permit	REGIONAL SURVEY Activities above threshold for Class B Land Use Permit
<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u> 1995 Mineral Prospecting Agreement between IRC and DIAND	Prospector's Licence Prospecting Permit optional Subject to Land Use Guidelines, Benefit Guidelines, and Environmental Sensitivity Maps	Prospector's Licence Prospecting Permit optional Subject to Land Use Guidelines
Environmental Screening <u>Western Arctic (Inuvialuit) Claim Settlement Act</u> <u>Canadian Environmental Assessment Act (CEAA)</u>	Not subject to screening.	Must be screened by the IFA Environmental Screening and Review Process The IFA process can substitute for screening by DIAND under CEAA
<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u> <u>Business Corporations Act (NWT)</u>	Corporate Prospector's Licence: subject to Land Use Guidelines, Benefit Guidelines and Environmental Sensitivity Maps	Corporate Prospector's Licence Prospecting Permit optional Subject to Land Use Guidelines
<u>Territorial Lands Act</u> <u>Territorial Land Use Regulations</u>	No Land Use Permit required	Land Use Permit
Protected Area Exclusions See Chapter 6.	See Chapter 6	See Chapter 6
<u>Workers Compensation Act (NWT)</u>	Registration Notify Chief Inspector of Mines for certain activities	Registration Notify Chief Inspector of Mines for certain activities
<u>Scientists Act (NWT)</u>	Permit, for environmental and scientific research work	Permit, for environmental and scientific research work
<u>Wildlife Act (NWT)</u>	Permit for wildlife research	Permit for wildlife research

9.7 Stage 3: Mineral Rights Acquisition

This Stage deals with the acquisition of Mineral Rights. Although a Prospector's Licence is sufficient to allow an operator to undertake staking, exploration in remote areas such as the ISR is frequently performed under a Prospecting Permit.

9.7.1 Legislation and Regulation

The Territorial Lands Act and the Canada Mining Regulations govern the disposition and administration of mineral rights on Crown lands. A holder of a valid Prospector's Licence can acquire the right to prospect for and develop mineral rights in three ways: through a Mineral Claim, a Prospecting Permit or a Mining Lease.

Prospector's Licence: Canada Mining Regulations

As in Stage 1, the prerequisite for any mineral prospecting is a **Prospector's Licence**. Every individual or company that wants to record a claim or on whose behalf a claim is staked must hold a Prospector's Licence from the Mining Recorder's Office. It is also a prerequisite for application for certificate of work, to transfer a claim, to apply for a lease and to apply for a Prospecting Permit. Prospector's Licences expire on March 31 after the date of issue.

Contact: Mining Recorder's Office
Reference: Territorial Lands Act
Canada Mining Regulations

To obtain a Corporate Prospector's Licence, a corporation must first register in the NWT under the Business Corporations Act (NWT).

The holder of a Prospector's Licence may enter occupied Crown lands (where surface rights have been granted) to stake a claim or explore land with the permission of the occupier. Should permission be withheld or conditions deemed unreasonable, the Mining Recorder must be notified and the dispute will be settled either by negotiation with the Mining Recorder and the rights-holder or by referral to arbitration.

9.7.2 Three Ways to Acquire A Claim on Crown Land

By Staking under a Prospector's Licence

Under the Canada Mining Regulations, the principal method available to obtain exclusive right to explore for and to develop Crown-owned minerals is by staking a mineral claim. A claim may be held for up to ten years from the date recorded if the required representation work is filed.

Where the claim has been kept in good standing for ten years, the holder must either apply to take the claim to Mining Lease or allow the claim to lapse. The holder will be granted the lease of the claim at the end of the ten-year period, or sooner, if representation work of a specified value has been filed or if the holder has undertaken to commence production on the claim.

Note that a claim may be cancelled by the Mining Recorder for several reasons, including expiry, insufficient

assessment work, or contravention of the Canada Mining Regulations. Refer to the Regulations for detailed requirements.

Contact: Mining Recorder, DIAND Yellowknife
Reference: Territorial Lands Act
Canada Mining Regulations

By Staking under a Prospecting Permit

The second way to acquire rights is by applying for a **Prospecting Permit**. Again, a Prospector's Licence in good standing is a prerequisite.

A Prospecting Permit covers an area of one-quarter of a mineral claim sheet (1:50,000 NTS) and grants the exclusive right to prospect and to stake claims within the permit area for a period of five years.

Applications will be accepted from a holder of a Prospector's Licence in person or by mail from December 1 to December 31 on a first come, first served basis. Prospecting Permits are issued serially during January and become effective on February the first. When a claim has been located and recorded, the area of the mineral claim no longer forms part of the Prospecting Permit area.

In order to maintain the Prospecting Permits in good standing, the Canada Mining Regulations require that the Permit holder conduct work to specific values per hectare in each of three work periods. Work requirements, eligibility of types of work, recording procedures, provisions for grouping of contiguous claims, assessment reporting, dispute procedures and abandonment or cancellation provisions are set out in detail in the Canada Mining Regulations.

Contact: Mining Recorder, DIAND Yellowknife
Engineer of Mines, DIAND Yellowknife
Reference: Territorial Lands Act
Canada Mining Regulations

By Acquiring A Mining Lease

By the time a developer has begun planning for Advanced Exploration, a Mining Lease is in order, if not before. Under s. 58(1) of the Canada Mining Regulations, the holder of a recorded claim may apply for a lease of the claim.

Advanced Exploration generally involves collection of a large ore sample for testing. Where the value of the extracted mineral will exceed \$100,000 annually or if the claim has been held for ten years, the developer must apply for a Mining Lease. A lease may be taken out earlier under certain conditions, including the performance of representation work of at least \$10 per acre.

A Mining Lease is issued for 21 years, and is renewable for a further 21 year term. The Lease allows the holder to prospect, develop, extract and sell minerals from the lease area subject to the requirements of a Land Use Permit or lease issued under the Territorial Land Regulations. The rentals on the lease may be reduced by up to 50 per cent through various work performances.

Contact: Mining Recorder, DIAND Yellowknife
Reference: Territorial Lands Act
Canada Mining Regulations

TABLE 9.1
Stage 3: MINERAL RIGHTS ACQUISITION
REQUIREMENTS ON FEDERAL CROWN LANDS IN THE ISR

LEGISLATION AND REGULATION	MINERAL RIGHTS ACQUISITION
<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u>	Prerequisite is a Prospector's Licence Staking and registration of mineral claim
<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u>	Acquisition of a Prospecting Permit Staking and registration of mineral claim
<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u>	Acquisition of a Mineral Lease
<u>Business Corporations Act (NWT)</u>	Register, in order to obtain a Corporate Prospector's Licence
<u>Workers Compensation Act (NWT)</u>	Register, in order to do work in NWT
<u>Mine Health and Safety Act (NWT)</u>	Notify the Chief Inspector in order to do exploration that involves mechanical excavation of the land surface, using more than hand tools
Protected Areas Exclusions and other areas with restrictions on mineral activities. See Chapter 6	Check the target area for any lands with formal or informal types of protection

9.8 Stage 4: PRIMARY MINERAL EXPLORATION

More intense mineral exploration on Mineral Claims and Prospecting Permits is undertaken to determine the existence and extent of a mineral deposit.

This section refers to activities that are intense enough to trigger the requirement for a land use permit, as is typically required for ground geophysics, mechanical trenching or stripping and drilling. These may be accompanied by other below-threshold activities such as those described under Stage 1.

9.8.1 *Mineral Rights and Work Assessment Eligibility*

Refer to Stage 3 for alternatives for acquiring right to explore.

Most costs of exploration activities can be credited against the Assessment Work Requirements set out in the conditions for the Mineral Claim or Prospecting Permit. These costs and any activities conducted must be reported on a Statement of Representation Work to the Engineer of Mines. All activities, including geological and geochemical surveys, geophysical surveys both ground and airborne, line cutting, airborne surveys, trenching/stripping, general prospecting must be reported. Details on what costs are eligible are set out in Schedule II of the [Canada Mining Regulations](#).

Contact: Mining Recorder's Office, DIAND, Yellowknife
Reference: [Canada Mining Regulations](#)

9.8.2 *Land Use Authorizations*

Rights granted under the [Canada Mining Regulations](#) authorize the holder to carry out exploration on Crown land. The actual activities undertaken are limited by the [Territorial Land Use Regulations](#), which govern the temporary use of unoccupied Crown lands. These Regulations set activity thresholds for trail construction, fuel storage and use, and the establishment of camp facilities. There are two types of Land Use Permits, Class A and B. Class B has the lower thresholds. Land use thresholds are copied in Appendix B.

Land Use Permits set out the operating conditions, requirements for clean-up and are issued for a maximum of two years (with an option for a one year extension). Inspections are conducted by DIAND during the operation and at its conclusion.

Where the activity disturbs the land surface, for instance by trenching or other use of explosives, the conditions for site abandonment and restoration will be specified in the Land Use Permit. The surface must be returned to its original grade to allow proper drainage, and measures must be taken to make the site safe again. At the conclusion of a drilling operation, an inspection is carried out to monitor adherence to land use permit conditions and proper site restoration.

Contact: District Manager, North Mackenzie Region, DIAND Inuvik
Reference: [Territorial Lands Act](#)
[Territorial Land Use Regulations](#)

Developments requiring a Land Use Permit are subject to the IFA Environmental Screening and Review Process. Refer to Chapter 4 of this Guide for background on the process. For authoritative information on specifics, contact:

Contact: Secretary, Environmental Impact Screening Committee, Inuvik
Reference: EISC Operating Guidelines and Procedures
Section 11, Inuvialuit Final Agreement

9.8.3 ***Diamond Drilling***

Except where identified as rotary, percussive or other drilling used to obtain rock chips, diamond drilling requires attention to a wider range of requirements than for lower impact activities. In addition to obtaining Land Use Permits, a person planning a drill program must notify the Engineer of Mines before drilling begins. A Drilling Authority must be issued by the Engineer of Mines before drilling starts in post-Cambrian sedimentary rock to a depth in excess of 500 feet.

There are also reporting requirements, requiring a Diamond Drilling Report as well as the Statement of Representation Work required for other exploration activities. The Engineer of Mines may also authorize delivery of a representative sample of cores to the core library in Yellowknife.

Contact: Engineer of Mines, DIAND, Yellowknife
Reference: Canada Mining Regulations

Drilling must also comply with the safety requirements set out in the Mine Health and Safety Act. The Chief Inspector of Mines must be advised in writing, before drilling commences. (See s. 8.1.3 in this Guide)

Contact: Chief Inspector of Mines, NWT Workers Compensation Board, Yellowknife
Reference: Mine Health and Safety Act and Regulations

9.8.4 ***Line Cutting***

Line cutting on a scale that triggers a Class B permit is subject to Territorial Timber Regulations and the following guidelines:

- *Land Use Guidelines: Mineral Exploration: Yukon and NWT* (DIAND)
- *Natural Resource Development in the NWT: Requirements, Procedures and Legislation* (DIAND)

Contact: District Manager, North Mackenzie District, DIAND Inuvik
Reference: Territorial Lands Act, Territorial Land Use Regulations
Territorial Timber Regulations

9.8.5 *Application for a Water Licence*

If mineral exploration involves the use of inland water or deposit of waste, then the [NWT Waters Act](#) applies, and, depending on the criteria in the Regulations, you may have to apply for a Water Licence. The thresholds for water licences are copied in Appendix B of this Guide. The [NWT Waters Act](#) is also discussed in Chapter 8 Section 4.

Water licences set the terms and conditions for the use of waters, and typically include conditions for abandonment of the site. A Water Licence is not required if use is less than 100 cubic metres/day and if there is no direct or indirect discharge of waste to surface water. The thresholds for water licences are copied in Appendix B of this Guide.

Further information on these requirements and advice on how to prepare an application are available from:

Contact: Water Resources Division, Regulatory Approvals, DIAND, Yellowknife
Reference: [NWT Waters Act](#)
 [NWT Waters Regulations](#)

In the course of reviewing a water licence application, the Water Resources Division will circulate the application to Department of Fisheries and Oceans (DFO) regarding potential effects on fish habitat. It is best to contact DFO directly in advance, to anticipate requirements under the [Fisheries Act](#) and the Fish Habitat Management Policy.

Contact: Area Habitat Biologist, Western Arctic Region, DFO, Yellowknife
Reference: [Fisheries Act](#), Fish Habitat Management Policy

Developments requiring a water licence from the NWT Water Board are subject to the IFA Environmental Screening and Review Process. Refer to Chapter 4 of this Guide for background on the process. For authoritative information on specifics, contact:

Contact: Secretary, Environmental Impact Screening Committee, Inuvik
Reference: EISC Operating Guidelines and Procedures
 Section 11, Inuvialuit Final Agreement

TABLE 9.2

Stage 4: PRIMARY MINERAL EXPLORATION

REQUIREMENTS ON FEDERAL CROWN LANDS IN THE ISR

TOPIC	REQUIREMENT	LEGISLATION
Mineral Exploration	Prospector's Licence, or Corporate Prospector's Licence Prospecting Permit Mineral Claim or Mineral Lease	<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u>
Land Use	Land Use Permit Class A or B	<u>Territorial Lands Act</u> <u>Territorial Land Use Regulations</u>
Line Cutting	Line cutting on a scale that triggers a Class B permit must meet regulations	<u>Territorial Lands Act</u> <u>Territorial Timber Regulations</u>
Diamond Drilling	Land Use Permit Notify Engineer of Mines before drilling Drilling Authority Notify Chief Inspector of Mines before drilling	<u>Territorial Lands Act</u> <u>Territorial Land Use Regulations</u> <u>Mine Health and Safety Act (NWT)</u>
Environmental Screening	Projects that may have a negative environmental impact must be screened by the IFA Environmental Screening and Review Process	<u>Western Arctic (Inuvialuit) Claim Settlement Act</u>
LAWS OF GENERAL APPLICATION		
Protected Areas	Restrictions on mineral activities, depending on the form of protection	See Chapter 6 and Table 6.0..
Corporate registration in NWT	Registration prerequisite for Prospector's Licence	<u>Business Corporations Act (NWT)</u>
Workers Compensation	Registration required to work in the NWT	<u>Workers Compensation Act (NWT)</u>
Water Use	Type A or B Water Licence may be required. Check thresholds (Exploration projects will not generally require a Type A.)	<u>NWT Waters Act</u>
Water: Impacts on fish habitat	Need authorizations for work that may damage habitat	<u>Fisheries Act</u> , Fish Habitat Management Policy
Airborne geophysical	Flight restrictions in areas of wildlife or birdlife	<u>Migratory Bird Convention Act</u> <u>Wildlife Act (NWT)</u>

TOPIC	REQUIREMENT	LEGISLATION
Use of Explosives	Various permits and information requirements before blasting can occur	<u>Explosives Act</u> <u>Explosives Use Act (NWT)</u> <u>Mine Health and Safety Act (NWT)</u>
Spills and Leakages	Handling of spills and leakages must comply with regulations. Problems can be avoided by obtaining prior approval for fluids used and disposal methods.	<u>Canadian Environmental Protection Act</u> <u>Arctic Waters Pollution Prevention Act</u> <u>Environmental Protection Act (NWT)</u>
Transportation of Dangerous Goods	Comply with regulations for transportation of dangerous goods on NWT highways	<u>Transportation of Dangerous Goods (NWT)</u> <u>Canadian Environmental Protection Act</u>
Fire Prevention	Need a Permit to Burn for fires other than for cooking or warmth Fire prevention may be seasonal concern	<u>Forest Protection Act (NWT)</u> <u>Fire Prevention Act (NWT)</u> <u>Propane Cylinder Storage Regs</u>
Sanitation in field camps	Compliance with regulations	<u>Public Health Act</u>
Minimum Working Conditions	Compliance with regulations	<u>Labour Standards Act (NWT)</u> <u>Canada Labour Standards Act</u> <u>Fair Practices Act (NWT)</u>
Baseline Research	Scientific Permit Wildlife Research Permit Archaeological Research Permit	<u>Scientists Act (NWT)</u> <u>Wildlife Act (NWT)</u> <u>Territorial Lands Act</u> <u>Northwest Territories Act</u> <u>Historical Resources Act (NWT)</u>

Advanced exploration work on a claim or claim group is done to investigate the mineral potential and commercial viability of a mineral showing or deposit. Techniques include bulk sampling, open pitting, underground adits and shafts, and pre-development construction for pilot operations. Advanced exploration often involves building and maintenance of an airstrip, access roads. There may be acid-generating rock exposed, holding ponds, and larger fuel requirements and storage facilities. Generally, there is much more disturbance of the land surface than for previous stages.

Requirements

Most of the authorizations required for Advanced Exploration are the same as those for the previous stages of exploration. However, the greater intensity and scale of the activity and so the greater potential for disturbance of land and water means that there will be much closer scrutiny of the plans and activities by the authorities both before and during operation.

To obtain approval, an applicant will have to consult thoroughly with the regulatory authorities - Inuvialuit, territorial and federal - and with the communities that may be affected. This consultation is the best source for the requirements that are current at the time of application. The following list of requirements is a starting point.

This list assumes that the mineral rights have been acquired (See Stage 3: Mineral Rights Acquisition).

9.9.1 *Land Use Authorizations*

Mineral Claims and Mining Leases do not authorize the use of the surface of the land. A land use authorization, either in the form of a Land Use Permit or a Surface Lease, must be obtained before construction and operations commence.

There is no precedent for undertaking Advanced Exploration in the ISR. In other parts of the NWT, Advanced Exploration has been conducted under Land Use Permits. Technically, a Land Use Permit is for temporary use of the land, with the expectation that all facilities and works can be removed at the end of the operation. Where the construction of permanent structures or facilities is planned, a Surface Lease is required under the Territorial Lands Act and Territorial Lands Regulations.

Advanced Exploration by its definition disturbs the land surface and generally requires heavy equipment, explosives and fuel storage. Whether the developer is applying for a Land Use Permit or Surface Lease, the project will have to undergo the IFA Environmental Screening and Review Process (Chapter 4) before DIAND can issue the authorization to proceed. DIAND must also ensure that Canada Environmental Assessment Act requirements for environmental screening and review are met.

Contact: Secretary, Environmental Impact Screening Committee, Inuvik
Reference: EISC Operating Guidelines and Procedures
Section 11, Inuvialuit Final Agreement

Environmental review will involve extensive consultation with authorities and with Inuvialuit organizations and communities. DIAND will take into account the results of this review to determine what operating conditions will be attached to the authorization. Once in operation, DIAND will inspect the site to ensure that the Permit or Lease conditions are being met, and at conclusion of land use to ensure proper site restoration.

Contact: Regional Manager, Land Administration, DIAND
Reference: [Territorial Lands Act](#)
[Territorial Land Use Regulations](#)
[Territorial Lands Regulations](#)

9.9.2 Application for a Water Licence

Projects that involve the use of more than 100 cubic metres of water a day or that discharge waste to surface water will require a Water Licence from the NWT Water Board. Schedules of thresholds are copied in Appendix B of this Guide. Refer also to Section 8.4.

Water licences set the terms and conditions for the use of water, deposit of waste, protection of water quality, site preparation including stream crossings, and can include conditions relating to the abandonment and closure of the works. Inspections may be conducted to monitor adherence to licence conditions, and a security deposit may be required to ensure that the conditions of closure and restoration are fully met.

Further information and advice on how to prepare an application are available from:

Contact: Water Resources Division, Regulatory Approvals, DIAND Yellowknife
Reference: [NWT Waters Act](#)
[NWT Waters Regulations](#)

Contact: Executive Assistant, NWT Water Board
Reference: [NWT Waters Act](#)
[NWT Waters Regulations](#)

In the course of reviewing a water licence application, the Water Resources Division will circulate the application to the Department of Fisheries and Oceans (DFO) regarding potential effects on fish habitat. It is best to contact DFO directly in advance, to anticipate requirements under the [Fisheries Act](#) and the Fish Habitat Management Policy.

Contact: Area Habitat Biologist, Western Arctic Region, DFO, Yellowknife
[Fisheries Act](#), Fish Habitat Management Policy

Developments requiring a water licence from the NWT Water Board are subject to the IFA Environmental Screening and Review Process.

Contact: Secretary, EISC, Inuvik
Reference: EISC Operating Guidelines and Procedures
Section 11, Inuvialuit Final Agreement

TABLE 9.3

Stage 5: ADVANCED MINERAL EXPLORATION

REQUIREMENTS ON FEDERAL CROWN LAND IN THE ISR

TOPIC	REQUIREMENT	LEGISLATION
Mineral Exploration	Prospector's Licence (individual or corporate), Prospecting Permit	<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u>
For bulk sampling	Mining Lease is required if sample exceeds \$100,000 a year	<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u>
Land Use	A Land Use Permit or a Surface Lease	<u>Territorial Lands Act</u> <u>Territorial Land Use Regulations</u>
Environmental Screening	Any development that may have a negative environmental impact must go to IFA Environmental Screening and Review	<u>Western Arctic (Inuvialuit) Claim Settlement Act</u>
LAWS OF GENERAL APPLICATION		
Canadian Environmental Assessment Act	DIAND is required to see that the screening process meets CEAA requirements	<u>Canadian Environmental Assessment Act</u>
Protected Areas	Restrictions on mineral activities depending on the form of protection	Chapter 6 and Table 6.0
Corporate Registration	Registration is prerequisite for obtaining Prospector's Licence	<u>Business Corporations Act (NWT)</u>
Workers Compensation	Registration required to work in the NWT	<u>Workers Compensation Act (NWT)</u>
Water Use	Depending on the size of the operation, a Type A or B Water Licence may be required for use of water or disposal of water	<u>NWT Waters Act</u>
Water: Impacts on fish habitat	Need authorizations for work that may damage habitat	<u>Fisheries Act</u> <u>Fish Habitat Management Policy</u>
Transportation, Storage and Use of Explosives	Various permits and information requirements before blasting can occur	<u>Explosives Use Act (NWT)</u> <u>Mine Health and Safety Act (NWT)</u>
Fire Prevention	Permit to Burn for outdoor fires. Fire Prevention requirements	<u>Forest Protection Act (NWT)</u> <u>Fire Prevention Act (NWT)</u> <u>Propane Cylinder Storage Regulations</u> <u>Boiler and Pressure Vessels Act (NWT)</u> <u>Gas Protection Act (NWT)</u>
Safety	Requirements for submission of plans and compliance with regulations.	<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u> <u>Mine Health and Safety Act (NWT)</u>

9.10 Stage 6: MINERAL DEVELOPMENT AND PRODUCTION

Site development includes the building of a mine, mill, concentrators, tailings containment construction, accommodation and a transportation system. Extraction may be by open pit or underground.

For projects involving long term tenure of a site, the main authorizations required are a Surface Lease and a Water Licence for the deposit of wastes and use of water

The development of a mine and production of a mineral from a claim imposes the most intense activity and disruption of land and waters in the mineral sequence. The greater potential for damage ensures that this Stage undergoes more detailed scrutiny than for earlier stages. Application for authorizations will require the submission of detailed plans for construction, operations, land use, transportation, waste management and abandonment and restoration. Security deposits will also be required.

9.10.1 Land Use Authorizations

For permanent occupation of the site, a Lease pursuant to the Territorial Lands Regulations must be obtained. A Lease is issued for a term of 30 years, and is renewable for an additional 30 years.

A Lease is sometimes referred to as a Surface Lease or a Land Lease. At present, there are no published instructions on preparing an application for Lease. For the information requirements, contact DIAND in Yellowknife.

DIAND will circulate an application for a Lease among departments and to affected communities. By consulting well with communities and Inuvialuit organizations when developing the mining plan and the application, a developer can improve the public understanding of the project and can anticipate community concerns in the initial design.

Contact: Manager, Land Administration, DIAND Yellowknife
Reference: Territorial Lands Act
Territorial Lands Regulations
Crown Land Application Form

Contact: District Manager, North Mackenzie District, DIAND Inuvik
Reference: Territorial Lands Act
Territorial Lands Regulations

9.10.2 Environmental Screening and Review

Projects on this scale will be subject to the IFA Environmental Screening and Review Process . DIAND will take into account the results of this process in its decision on whether, and under what terms and conditions, to issue the Lease and the Water Licence. Refer to Chapter 4 of this Guide for general background on the process. For specific information on the process and requirements contact:

Contact: Secretary, Environmental Impact Screening Committee (EISC), Inuvik
EISC Operating Guidelines and Procedures
Section 11, Inuvialuit Final Agreement

The IFA Environmental Screening and Review Process does not relieve DIAND from its responsibility for screening of the project as a Regulatory Authority under the Canadian Environmental Assessment Act. This level of activity is likely to trip a number of triggers for CEAA under various federal Acts, not only the Territorial Lands Act and NWT Waters Act.

Contact: Regulatory Approvals, DIAND Yellowknife
Reference: Canadian Environmental Assessment Act

Contact: Canadian Environmental Assessment Agency, Western Region, Vancouver
Reference: Canadian Environmental Assessment Act

9.10.3 Application for a Water Licence

Deposit of waste and use of water at the scale of mine development will typically require a Type A Water Licence. According to water licensing criteria (copied in Appendix B to this Guide), undertakings that involve milling at a rate of 100 or more tons of ore a day (Schedule V) or the use of more than 300 cubic metres of water a day, will require a Type A Water Licence from the NWT Water Board.

In applying for the Water Licence, the proponent will have to provide detailed plans for each phase of development, production and closure. Based on an analysis of these plans, the NWT Water Board will set the standards for water uses and discharges, for creation and management of tailings, and set any specific requirements for treatment of discharge needed. These standards may reflect the standards for the Metal Mining Liquid Effluent Regulations. The Water Licence will also deal with sewage management, spills and leakages.

Application for a Water Licence must include a closure plan addressing all site issues related to protection of waters and water quality, in particular control of acid drainage, the stability of tailing ponds and waste piles. Under the NWT Waters Act, the NWT Water Board may require security deposits to be posted with DIAND. Security deposits can be used to pay for site recovery, and so should be in proportion to the estimated costs of closure, reclamation and ongoing maintenance, and can also be used to compensate individuals who suffer losses due to the project, when the Licence fails to do so. The NWT Waters Act also prohibits the Board from issuing a licence unless it is satisfied that adequate compensation has been provided to affected parties. To this end, the Board may also require the conclusion of compensation agreements between the applicant and other water users.

Contact: Water Resources Division, Regulatory Approvals, DIAND Yellowknife
Reference: NWT Waters Act
NWT Waters Regulations

Contact: Executive Assistant, NWT Water Board
Reference: NWT Waters Act
NWT Waters Regulations

TABLE 9.4

Stage 6: MINERAL DEVELOPMENT AND PRODUCTION

REQUIREMENTS ON FEDERAL CROWN LAND IN THE ISR

TOPIC	REQUIREMENT	LEGISLATION
Mineral rights	Mining Lease	<u>Territorial Lands Act</u> <u>Canada Mining Regulations</u>
Land Use	Surface Lease	<u>Territorial Lands Act</u> <u>Territorial Lands Regulations</u>
Pits and Quarries	Rights to Surface granular materials are not included in the issuance of Mineral Rights.	<u>Western Arctic (Inuvialuit) Claim Settlement Act</u>
Transportation of Production, Equipment and Workers	With limited infrastructure in ISR, most transportation will be private and covered in the Surface Lease/Land Use Permit application and issue.	<u>Territorial Lands Act</u> <u>Territorial Land Use Regulations</u> <u>Territorial Lands Regulations</u> <u>Transport Act</u>
Environmental Screening and Review	Must go through IFA Environmental Screening and Review Process.	<u>Western Arctic (Inuvialuit) Claim Settlement Act</u>
LAWS OF GENERAL APPLICATION		
Environmental Assessment	Federal Government must ensure that screening and review satisfies CEAA requirements	<u>Canadian Environmental Assessment Act</u>
Water Use	Depending on tonnage and activity thresholds, a Type A or B Water Licence will be required.	<u>NWT Waters Act</u> and Regulations
Effects on Arctic marine waters	Developments that could pollute Arctic marine waters or that involve shipping in Arctic marine waters must comply with:	<u>Arctic Waters Pollution Prevention Act</u> <u>Shipping Pollution Prevention Regs</u> <u>Pollutant Substances Regs</u>
Effects on navigable water	Where mining may obstruct navigable waters, need approval.	<u>Navigable Waters Protection Act</u>
Effects on fish habitat	Need authorizations for work that may damage habitat	<u>Fisheries Act</u> Fish Habitat Management Policy
Use of Explosives	Various permits and information requirements before blasting can occur	<u>Explosives Act</u> <u>Explosives Use Act</u> <u>Mine Health and Safety Act</u> <u>Transportation of Dangerous Goods Act</u>

TOPIC	REQUIREMENT	LEGISLATION
Spills and Leakages	Compliance with requirements under various Acts and Regulations.	<u>Canada Environmental Protection Act</u> <u>Environmental Protection Act (NWT)</u> <u>Fisheries Act</u>
Toxic Wastes	Disposal and transportation of toxic waste	<u>Canada Environmental Protection Act</u>
Safety of Operations	Mining plans must be approved before mining starts. Detailed plans must be kept, and plans and operations must comply with Acts and Regs. Certificates required for Shift Boss, Hoist Operator and Underground Diesel Operators.	<u>Canada Mining Regulations</u> <u>Mine Health and Safety Act</u> and Regs <u>Safety Act</u> and Regulations
Mining Labour	Range of legislation covering minimum working conditions, and terms of employment.	<u>Canada Labour Code Part 1</u> <u>Mine Health and Safety Act (NWT)</u> <u>Labour Standards Act (NWT)</u> <u>Apprentices and Tradesmen Act (NWT)</u> <u>Miners Liens Act (NWT)</u> <u>Fair Practices Act (NWT)</u>
Employee Health	Compliance with range of Acts and Regs.	<u>Public Health Act</u> <u>Fatal Accidents Act</u> <u>Medical Care Act</u> <u>Coroner's Act</u> <u>Emergency Medical Aid Act</u> <u>Worker's Compensation Act</u> <u>Canada Labour Code</u> <u>Noise Control Regulations</u> <u>Sanitation Regulations</u>
Transportation facilities: air strips	Compliance with aviation regulations under the Aeronautics Act.	<u>Aeronautics Act</u>
Transportation facilities: harbours and shipping ports	Compliance with requirements for construction and management of harbours and shipping rules.	<u>Public Harbours and Port Facilities Act</u> <u>Transportation Act</u>
Environmental and Wildlife Studies	Scientific Permit Wildlife Research Permit	<u>Scientists Act (NWT)</u> <u>Wildlife Act (NWT)</u>
Archaeological Research	Archaeologist's Permit is required for any excavation and removal of artifacts	<u>Historical Resources Act</u>
Archaeological Site Protection	Sites protected by law. Operators must ensure sites not disturbed. If site found during operations, work must cease in vicinity, and site must be reported and safeguarded.	<u>Historical Resources Act (NWT)</u> <u>Northwest Territories Act</u> <u>Archaeological Sites Regulations</u>
Uranium and Thorium Mining	Mining, processing, development, removal and sale of uranium and thorium. Variety of licences are required for exploration, siting, construction, ore excavation, removal and site decommissioning.	<u>Atomic Energy Control Act</u>

Before a mineral exploration or production site can be abandoned, legislation requires the site to be returned to as near the original state as is practical, that measures be taken to protect land, water and watersheds from pollution from the site and to secure the site for public safety.

These requirements are not set out in specific regulations, but are worked out on a case-by-case basis to deal with the particular conditions of the project and its location. Closure terms are included both in the land use authorization (Land Use Permit or Surface Lease) and in the Water Licence issued for the project.

Generally, with prior notification and approval, any licence, lease or permit may be surrendered at any time by the holder, although a public hearing may be required. Surrender or abandonment of the authorization does not release the holder from any obligations respecting closure and reclamation.

9.11.1 Requirements in the Land Use Authorization

The land use authorization, whether a Land Use Permit or a Surface Lease, will set out terms and conditions respecting abandonment and restoration, generally to restore the site to as near the original state as is practical. For example, terms normally require that rights of way, piles and platforms be stabilized and that personal property, equipment and structures should be removed.

At least 60 days prior to the closure or abandonment of a Permit, the holder is required to notify the Manager, Land Administration (DIAND) and the Chief Inspector of Mines (GNWT) to arrange final inspections and clearance of the surface rights grant. Without a clearance the liability of the surface rights user will continue. A certificate of compliance will not be issued unless all is in order. The Mining Recorder must also be notified of abandonment or closure.

Legislation provides that all plan and equipment remaining on a mineral grant after 180 days following lapse of the grant will be forfeited unless an extension of up to one year is applied for and granted.

Contact: Manager, Land Administration, DIAND Yellowknife
Reference: [Territorial Lands Act](#)
[Territorial Land Use Regulations](#)
[Territorial Lands Regulations](#)

Contact: Mining Recorder
Reference: [Territorial Lands Act](#), [Canada Mining Regulations](#)

Contact: Chief Inspector of Mines, NWT Workers Compensation Board
Reference: [Mine Health and Safety Act](#)

9.11.2 Requirements in the Water Licence

To obtain a Water Licence in the first place a formal closure plan is required to ensure that territorial waters and watersheds are protected from further deposit of deleterious substances. The plan must also address the security of the site for public safety, procedures for dealing with mine openings, steps for removal or management of various wastes, tailings management, waste rock pile management, remediation, stabilization and contouring to reduce erosion, removal of stream crossings, removal of contaminated soils, reclamation of site and rights of way, revegetation, removal of buildings and equipment. The details of the plan are also scrutinized during the environmental assessment process, and provisions for ongoing monitoring and maintenance of the site may be appended.

Before abandoning any works, the holder of a Water Licence must make a request in writing for the cancellation of Licence. A final inspection will be conducted to ensure the approved closure plan is complete. The NWT Water Board may require a licence to remain in place after abandonment to address monitoring issues. Unless the result is satisfactory, DIAND can retain the financial security it set for the project. The amount of security is set by the Water Board during the review process taking into account costs of closure, restoration and any ongoing costs after closure.

Contact: Executive Assistant, NWT Water Board

Reference: NWT Waters Act

Contact: Transportation of Dangerous Goods Officer

Reference: Transportation of Dangerous Goods Act (GNWT)

TABLE 9.5

Stage 7: MINE OR SITE CLOSURE

REQUIREMENTS ON FEDERAL CROWN LANDS IN THE ISR

TOPIC	REQUIREMENT	LEGISLATION
Notification of intent to close or abandon site	To notify at least 60 days prior to closure or abandonment. To submit final plan of site within 60 days of end of operation or expiry of permit.	<u>Territorial Lands Act</u> <u>Territorial Land Use Regulations</u> <u>Canada Mining Regulations</u>
Condition of the land	Must be returned to as near the original state as practical and to secure site for public safety. Requires removal of property, structures and equipment All stipulations in the Land Use Permit or Surface Lease must be met. Certificate of Compliance will not be issued unless all is in order. Without this the liability of the surface rights holder continues The Security Deposit for the Land Use Permit or the Water Licence will not be released until the Engineer issues a Certificate of Compliance	<u>Territorial Lands Act</u> <u>Territorial Land Use Regulations</u> Conditions are worked out case by case, and stipulations are attached to the Land Use Permit/Surface Lease
Protection of waters and watershed	Measures must be taken to protect waters and watersheds from pollution All conditions in Water Licence with respect to closure must be complied with	<u>NWT Waters Act</u> <u>NWT Waters Regulations</u>
Continuing storage of equipment	Storage Authority can be applied for to allow storage of equipment or materials on site, that may be needed for future operations	<u>Territorial Lands Act</u> <u>Territorial Land Use Regulations</u>

Chapter 10 DOING WORK ON COMMISSIONER'S LANDS

Although there have been discussions about devolution of provincial-type powers over resources from the federal to the territorial government, at present the Government of the Northwest Territories has limited control of surface lands or mineral rights.

The exception is Commissioner's Land, which encompass blocks of land within or near municipal boundaries. In the Inuvialuit Settlement Region (ISR), Commissioner's Lands are within the municipal boundary of all but one of the Inuvialuit communities. The exception is Inuvik, for which the boundary of Commissioner's Lands extends beyond the municipal boundary, taking in approximately 200 sq km of land.

For Commissioner's Lands, the administration and control of the surface of the land has been transferred from the federal Crown to the Commissioner of the NWT. For these lands the Commissioner can "act like an owner" in the sense of being able to sell, lease, transfer, or otherwise confer interests in land to third parties. These powers extend only to the surface of these lands; sub-surface rights continue to be owned and controlled by the federal Crown. (Commissioner's Lands are sometimes referred to as Block Land Transfers.)

Although it seems unlikely that Commissioner's Lands would be needed for exploration and development, there is always the possibility, especially given the limited extent to which the ISR has been explored for minerals.

10.1 Mineral Rights Disposition

Although administration and control of the surface of the land is held by the Commissioner, the federal Crown retains the subsurface rights, which it disposes of pursuant to the [Territorial Lands Act](#), under the [Canada Mining Regulations](#). For background on mineral rights disposition refer to Chapter 9 of this Guide, and for detail on requirements refer to:

Contact: Mining Recorder's Office, Yellowknife
Reference: [Territorial Lands Act](#)
[Canada Mining Regulations](#)

10.2 Land Use Authorizations

These lands are administered pursuant to the [Commissioner's Lands Act](#). This Act governs surface access and use of the land, and is implemented by the Department of Municipal and Community Affairs (MACA) in the Government of the NWT. In addition, under an arrangement with the federal government, MACA processes (Land or Surface) Lease applications on land within municipal boundaries that is not Commissioner's Land.

For activities on these lands, MACA issues Land Use Permits, Quarry Permits, Easements, Leases and Right of Ways. The permits are issued by the MACA office in Inuvik:

Contact: Senior Lands Officer, Inuvik Regional Office
Municipal and Community Affairs, GNWT, Inuvik
Reference: Commissioner's Lands Act (NWT) and Regulations

Contact: Community Planner, Municipal and Community Affairs, Norman Wells
Reference: Area Development Act (NWT)
Planning Act (NWT)

Applications for use of the surface are processed by MACA, which undertakes the environmental screening. Applications are processed either internally, for minor activities, or through the Commissioner's Land Review Committee, which is coordinated out of the Yellowknife office of MACA.

Contact: Senior Environmental Planner, Community Operations, MACA, Yellowknife
Reference: Commissioner's Lands Act and Regulations

10.3 Water Use and Other Laws of General Application

Water use on Commissioner's Lands is governed by the NWT Waters Act. Water Licences are obtained by application to the NWT Water Board.

Contact: Executive Secretary, NWT Water Board
Reference: NWT Waters Act
NWT Waters Regulations

For general background on water licensing, refer to Chapter 8, Section 8.4 of this Guide, and to the requirements under the various stages of activity on Crown land in Chapter 9. For authoritative information on the requirements and how to complete an application:

Contact: Water Resources Division, Regulatory Approvals, DIAND, Yellowknife
Reference: NWT Waters Act
NWT Waters Regulations

Applications for a Water Licence for work on Commissioner's Land would be subject to the IFA Environmental Screening and Review Process.

Contact: Secretary, Environmental Impact Screening Committee, Inuvik
Reference: EISC Operating Guidelines and Procedures
Section 11, Inuvialuit Final Agreement

Refer to Chapter 8 for the other "**Laws of General Application**" that apply to Commissioner's Lands.

Chapter 11 THE YUKON NORTH SLOPE

11.1 Yukon North Slope in the IFA

The Inuvialuit Settlement Region (ISR) extends westward as far as the international boundary with Alaska, crossing territorial jurisdictions into Yukon and extending southward to the boundary between the watersheds of the Porcupine River and the Beaufort Sea. The southern boundary is also the northern limit of the Vuntut Gwitchin Settlement Area. The area of the ISR within Yukon is called the “Yukon North Slope”, and is shown on Map 9 in Appendix A.

Because of the significance of this area to the Porcupine caribou herd, Inuvialuit want an extra level of conservation protection here. To this end, section 12 of the IFA sets aside the area to the west of Babbage River for Ivvavik National Park and Herschel Island as a territorial park. Section 12 stipulates that Ivvavik National Park will be zoned and managed as a wilderness park, and that the park regime for Herschel Island Territorial Park will be no less stringent than that of the National Park. The only exception is for a small area near Pauline Cove. The effect of section 12 is to prohibit mineral activities entirely from both Ivvavik National Park and Herschel Island Territorial Park.

In the remainder of the Yukon North Slope, the area to the east of Babbage River as far as the NWT border, a “Special Conservation Regime” is envisaged by the IFA. In this area, controlled development may take place.

11.2 East of the Babbage River

The “Special Conservation Regime” envisaged by the IFA would require that all development proposals be screened by the EISC. When reviewing developments that are referred for further review, the EIRB would be required to take into account specific criteria set out in Section 12(23), in addition to the general Section 11 requirements on environmental impacts.

For the present however, this is all theoretical. A Withdrawal and Prohibition Order (PC 1985, 320 and 321), prevents the issuance of mineral or surface rights in the whole of the Yukon North Slope, including the area east of Babbage River. There are at present no plans to lift or alter this protection.

Although the IFA does not expressly prohibit mineral or other resource activity, the requirement for higher environmental standards here reflects serious concern of Inuvialuit about the sensitivity and significance in this area. In the event that the Withdrawal Order is lifted, it can be expected that the Special Conservation Regime will set rigorous standards for activity of any kind in the area.

Mineral activity in Yukon is subject to the Yukon Quartz Mining Act, the Yukon Placer Mining Act, and the Mining Land Use Regulations. Developers should also be aware that new Development Assessment Process legislation (YDAP) is now being developed by the federal government, and will also apply to the Yukon North Slope. To discuss these requirements:

Contact: Director, Mineral Resources, Indian and Northern Affairs, Yukon
 Director, Development Assessment Process, Indian and Northern Affairs, Yukon

Chapter 12 TRANS-BOUNDARY AND OVERLAP ISSUES

12.1 Trans-Boundary Considerations in the IFA

The possibility that effects of a project in the ISR might have implications across a jurisdictional boundary was considered in the IFA. It was not a matter that could be ignored, with the Gwich'in claiming lands in and around two Inuvialuit communities, Inuvik and Aklavik. The processes and institutions of the IFA acknowledge this joint interest in several ways.

- # A nominee of the adjacent claims area can be appointed to a Screening Panel of the EISC or a Review Panel of the EIRB, provided that jurisdiction offers reciprocal opportunities for the Inuvialuit. It is up to the IRC to determine whether this requirement is satisfied;
- # "Dene/Metis" (i.e. Gwich'in and Sahtu) can request screening of a proposal that they consider likely to affect their harvesting;
- # EISC canvasses the views of the Gwich'in Land and Water Board and the Gwich'in Renewable Resources Board when making its determinations on relevant developments.

In light of these commitments, a proponent of a project that could have environmental impacts or effects on wildlife (for example that may affect caribou that migrate across the boundaries of the Inuvialuit region) should consult with the appropriate communities and agencies in other regions.

Contact: Gwich'in Hunters and Trappers Associations
 Gwich'in Renewable Resources Board

Contact: Sahtu Hunters and Trappers Associations
 Sahtu Renewable Resources Board

12.2 Gwich'in Private Lands within the ISR

There is a block of Gwich'in private lands situated within the ISR just to the west of the community of Aklavik. Pursuant to the Gwich'in Land Claim Agreement (under section 27.2.8), the Gwich'in hold both surface and subsurface rights to these lands. The Gwich'in issue mineral rights and land use authorizations for these lands.

Nevertheless, these lands lie within the ISR and outside the area covered by the Mackenzie Valley Resource Management Act (see Section 12.4 below). Projects would be subject to the IFA Environmental Screening and Review Process if the project is referred, and the recommendations of the screening and review process would be provided to the issuing authority.

How this would work in practice has not yet been resolved. A proponent of activity in this area would have to work closely with Gwich'in, Inuvialuit and federal agencies to sort out the details of the process that would apply.

12.3 Nunavut Territory

Division of the Northwest Territories occurred formally on April 1, 1999, creating the new territory of Nunavut. A resource management regime for the territory has been put in place in fulfilment of the terms of the Nunavut Land Claim Settlement. Proposals for development are screened and reviewed by the Nunavut Impact Review Board, with final decisions made by the Minister of DIAND.

The requirement for a review by the Nunavut Impact Review Board can be triggered by concern about trans-boundary effects. Under the claims legislation however, the Board is not empowered to hold joint reviews with other Boards. There is the possibility of holding concurrent reviews (both boards in the same room hearing the same testimony), but no agreement has been reached on this.

This opens the risk of a proponent having to go through a double review, with hearings before two boards, held either in parallel or worse, sequentially. This would be costly, logistically difficult, and very time-consuming. Even more difficult would be a situation in which the Nunavut and Inuvialuit Environmental Impact Review Boards hold respective hearings (whether concurrent, parallel or sequential) and then bring forward conflicting recommendations to the Minister.

At present, there is no general agreement between the two jurisdictions on how a substantial project with trans-boundary implications would be handled. Rather than working out a protocol before hand, practice may well evolve case-by-case. It will be important for developers whose projects may be perceived to have trans-boundary effects to consult with the agencies of both areas in order to coordinate processes as much as possible and so avoid duplication and waste of time.

Contact: Secretary, Nunavut Impact Review Board

Reference: [Nunavut Claim Settlement Act](#)

Contact: Secretary, Inuvialuit Environmental Impact Review Board

Reference: Section 11, Inuvialuit Final Agreement

Contact: Chief Operating Officer, Inuvialuit Regional Corporation

Reference: Negotiation with adjacent land claim

12.4 Mackenzie Valley Resource Management Act

The [Mackenzie Valley Resource Management Act](#), proclaimed in December 1998, ushers in an entirely new regime for all the lands outside the ISR and within the western Northwest Territories. Under the Act, all developments in the Mackenzie Valley will be subject to screening and review by the Mackenzie Valley Environmental Impact Review Board, which makes recommendations to the Minister of DIAND for decision. Subsequent regulation and enforcement will be conducted by the Mackenzie Valley Land and Water Board.

The Act, under Sections 141 and 142, gives the Mackenzie Valley Environmental Impact Review Board (MVEIRB) authority to work out procedures to coordinate with environmental review authorities in adjacent regions. S. 141 deals with the case of a development that is proposed to be partly in the Mackenzie Valley, and partly outside it, and allows (but does not require) the Mackenzie Valley Environmental Impact Review Board to coordinate its review with that of the other jurisdiction or to establish a joint panel for the review. S. 142 deals with the case of a development proposed for outside the Mackenzie Valley that might have a significant adverse impact on the environment in the Mackenzie Valley. In such a case the MVEIRB may (but not must)

enter into an agreement with the authority responsible for environmental review to provide for the participation of the MVEIRB in the examination of the environmental effects by the other authority.

Procedures for such situations will have to be worked out by the new MVEIRB. Given the substantial workload involved in start-up, it could be some time before the Board is able to draft procedures. The process may well be worked out case-by-case.

Contact: Executive Director, Mackenzie Valley Environmental Impact Review Board
Reference: Mackenzie Valley Resource Management Act

12.5 Canadian Environmental Assessment Act

The IFA predated the Canadian Environmental Assessment Act (CEAA) by ten years, with the result that there is not a simple fit between the two. The IFA is explicit that nothing in Section 11, i.e. the screening and review provisions restricts the power of the Crown to carry out environmental impact assessment and review under the laws of Canada. Therefore, CEAA applies fully to the ISR. CEAA requirements are discussed in general terms in Chapter 8 Section 5.

To date there has been no practical conflict between the two systems. On the generally small projects that have come forward to the IFA Environmental Screening and Review Process, the regulatory authorities have so far accepted IFA Screening as a substitute for that required by CEAA. Strictly, the requirement is not that the regulatory authority must do the screening, but that it must to ensure that it is done.

The issue could become more difficult in the case of a larger project, for which effects are seen as being potentially significant and negative. There are several triggers for a large project that impose a screening requirement on various regulatory authorities. DFO, DIAND, Coast Guard and Natural Resources Canada all issue authorizations that trigger CEAA requirements.

This has implications for the process that a project must follow after screening, specifically to what agency a project will be referred: the EIRB, the NWT Water Board or the CEAA.

The risk is that a proponent could find himself in “double jeopardy”, compelled to undergo both review by the IFA Environmental Impact Review Board, and subsequently under CEAA either a Stage 2 Comprehensive Study or Stage 3 Panel Review. This could occur for instance if the review gets underway in the EIRB before CEAA engages its attention in the issue. Should duplication result, the costs and time involved would be formidable, without necessarily improving the quality of the decision. Furthermore, there is the risk that the two reviews, whether parallel, sequential or concurrent, could yield conflicting decisions. In this instance, the divergent recommendations would go to two different federal Ministers; the Minister of DIAND (EIRB) and the Minister of the Environment (CEAA).

Another wrinkle is that the CEAA role in the Mackenzie Valley is more limited than that in the ISR. In the Mackenzie Valley, CEAA only has a role if the project is considered to be in the national interest, or physically straddles the jurisdictional boundary.

In an effort to anticipate such difficulties, a Memorandum of Understanding has been recently concluded between the Minister of the Environment and the Inuvialuit on whether and how an EIRB review may substitute for the CEAA process. EIRB has amended its requirements for the Project Description to bring them into line with those of CEAA, and under the Memorandum will notify the CEAAgency when a project is referred to it for Review. The Memorandum allows for an EIRB Review to substitute for a CEAA Review (pursuant to section

43(1) of the Canadian Environmental Assessment Act), however the Minister of the Environment responsible for the Agency will only consider the possibility on a case-by-case basis.

Contact: Canadian Environmental Assessment Agency, Vancouver
Reference: Canadian Environmental Assessment Act
Federal Coordination Regulations
Memorandum of Understanding

Contact: Secretary, Environmental Impact Screening Committee, Inuvik
Contact: Secretary, Environmental Impact Review Board, Inuvik

In each of the cases in this Chapter, there is a risk of duplication of screening and/or review. In each case it seems likely that the matter will not be resolved in advance, but will be worked out by practice as cases arise.

This situation makes it all the more important for a mineral developer to consult thoroughly and early, both to ensure that no misunderstandings arise with communities on either side of a regional boundary, and to clarify the requirements with regulators, so that every effort is made in advance to avoid duplication and unnecessary expense.

Chapter 13 WHAT'S NEXT?

This Guide was developed in 1999 and early 2000. At this time, several initiatives are underway or are planned that may change the requirements for doing mineral work in the ISR, as well as in other parts of the Northwest Territories. If these are significant for the projects you have planned, contact the agency responsible to confirm requirements currently in effect.

13.1 Revisions to the ILA Rules and Procedures

ILA Rules and Procedures are currently under review. This should result in clearer instructions, and modified fee structures but there also may be some changes in the provisions and fees payable.

Contact: Administrator, Inuvialuit Land Administration, Tuktoyaktuk
Reference: ILA Rules and Procedures

13.2 1995 Mineral Prospecting Agreement

There continue to be unresolved issues between DIAND and the Inuvialuit over the implementation of the 1995 Mineral Prospecting Agreement. The Agreement's terms relating to "Below Threshold" mineral prospecting activities require that all parties work cooperatively to avoid conflicts.

Contact: Manager, Mineral Resources Directorate, DIAND Yellowknife

13.3 Caribou Protection Measures

Currently, developers are advised by DIAND Yellowknife that the Caribou Protection Measures appended to the application form will be attached to any land use permitted for work in the ISR. As a matter of fact however, the Caribou Protection Measures have no regulatory force in the ISR. These particular measures were developed for the Beverly-Kaminuriak Caribou Management Board some years ago, and have not been formally adopted in the ISR. The conditions considered appropriate by the EISC may be more or less stringent than these Caribou Protection Measures.

The land and wildlife managers of DIAND and Inuvialuit continue to meet on the issue. New measures are still in drafting.

Related to this is the possibility of more formal protection for caribou calving grounds. This is an objective of both the territorial government and Parks Canada. This topic is in need of clarification, so that mineral operators know what requirements have to be met.

A Joint Management Plan for the Bluenose Caribou Herd is being worked out among the Gwich'in, Sahtu, Nunavut and the ISR. Whether it will affect mineral planning will depend on whether there are specific stipulations made in relation to mineral activity.

13.4 Successor to the NWT Water Board

When the Mackenzie Valley Land and Water Board is established, there will no longer be a role for the NWT Water Board in the Mackenzie Valley. Its role will be restricted to the ISR. There have been discussions between DIAND and the IRC over arrangements for a successor agency to the NWT Water Board, but discussions have not concluded.

Contact: Water Resources Division, Regulatory Approvals, DIAND

13.5 New Land Use Guidelines in Preparation

Land Administration in DIAND, Yellowknife is currently at work on revisions to Land Use Guidelines. These will update several of the documents listed in Chapter 9 of this Guide. The new versions should be available later in 2000.

Contact: Manager, Land Administration, DIAND Yellowknife or
District Manager, North Mackenzie District Office, Inuvik

14.1 The Importance of Consultation

14.1.1 *The Inuvialuit Interests*

The implementation of the IFA has given Inuvialuit a strong role in the ISR, as land-owners, as co-managers of wildlife, and as participants in the review of proposed developments. In all these processes, Inuvialuit insist that communities that may be affected by a development ought to be consulted before activities begin.

Inuvialuit are not opposed to development and activity. Many have been employed in the construction of the DEW line, in Beaufort Sea exploration and in northern mining projects. Inuvialuit want opportunities for the rapidly growing number of young people in the communities of the ISR. At the same time, Inuvialuit regard the land and wildlife as assets that must be protected for the long term, and they insist that activity must not be at a long-term cost to the environment. They want to know who is going out on the land in their area. They also want a reasonable opportunity to participate in employment and business opportunities connected to the activity.

The communities of the ISR have come some distance in considering the issues related to development and in preparing for any consultation that may be required. The Wildlife Management Advisory Council (WMAC(NWT)) has worked with the communities over the past several years to produce first the “Inuvialuit Renewable Resources Conservation and Management Plan” (1988) and more recently Conservation Plans for each of the six Inuvialuit communities. These Conservation Plans were developed as tools to describe the resources of priority and places of environmental sensitivity for each community. They provide a useful foundation for informing, consulting and cooperating with developers interested in working in the area. This information is provided to all new and renewal land holders in the ISR, offering information to mineral operators without compromising the confidentiality that can be so important in initial staking.

14.1.2 *The Mineral Operator’s Interest*

Consultation does not only serve the interests of Inuvialuit and Government. Communities can also provide important “deliverables”: northern expertise, a source of labour and services, support for authorizations, and access to funds (for instance for training, through government programs). A sound relationship with the community helps the mineral operator to negotiate fair and reasonable terms in agreements that may be entered into with Inuvialuit organizations.

To Obtain Authorizations

The pressing reason for a developer to consult is to comply with regulatory requirements, in order to obtain authorization to proceed. The extent of consultation required becomes more formal and more demanding with increasing scale of activity.

At the earliest stage of staking and initial reconnaissance, (below the activity threshold for a Class B Land Use Permit), there is no formally regulated requirement for consultation. Instead, government provides the holder of a Prospecting Permit and/or Prospector’s Licence with the Environmental Sensitivity Map and directs him to consult with the community, at the least with the Hunters and Trappers Committees.

For later stages, the more intense the activity, the more thorough the consultation has to be before review agencies will be satisfied. Once a development has to go through IFA Environmental Impact Screening or to the Inuvialuit Land Administration for authorization, the requirement to consult is firm. If consultation is not done by the proponent, then EISC or ILA will have to contact the communities themselves, and the review process may be delayed. Review and approval can be much quicker (and cheaper for the applicant) if community concerns have already been considered, and accommodated in the Project Description. If the proponent does the consultation rather than leave it to the agency, at least the proponent has the opportunity to assure that the consultation is done well, that information on project is up date, and that information on community concerns comes directly to the proponent rather than through an intermediary.

For advanced exploration and development, the requirements to consult are compulsory and are given force by the screening and regulatory processes.

To Build a Long-Term Working Relationship

The purpose of consultation with the communities and the Inuvialuit interest is not just to satisfy regulatory requirements. Whether the requirement is formal or not, efforts taken to inform and consult communities about planned activities can help to build a good working relationship. This goodwill may be valuable in later stages of exploration and development, when the developer needs some accommodation from the community on an issue or should conflicts arise.

Equally, failure to address issues during early exploration can compromise future processes and authorizations. If a community comes to distrust a developer, it will be all the harder to satisfy local concerns when development activities become more intense.

There can be other benefits from consulting. Communities can often supply useful information for planning, for instance, the timing of break-up or the nature of the terrain. Early consultation can also be effective in saving costs and time. If screening or authorizations are delayed because of objections that communities have not been consulted, critical "windows" can be missed.

To Manage Expectations

Few of the Inuvialuit communities have had experience in dealing with mineral prospectors or developers. They are often unfamiliar with the high risk nature of exploration, the need for confidentiality, or the uncertain progression from one phase of activity to the next. The reality of exploration is that there can be long dry periods in between activities, and uncertainty about the location of work. Of a hundred showings, perhaps one will merit further work. Of ten advanced exploration projects, one may proceed to development.

Consultation can also help to keep the expectations of the community for jobs and contracts in line with reality. Communities tend to see the potential for larger projects during the initial exploration stages, without understanding the risks involved.

14.2 Limits to Corporate Resources

By the time a project reaches Advanced Exploration, generally larger companies are involved that have developed the capacity for and an approach to community and government relations.

Much initial exploration is done by small operators who generally do not have spare resources or personnel to undertake extra trips and lengthy meetings to consult. Exploration budgets are tight and meetings are a cost at a time when the risks are high that such expenses will never be recovered. At this stage, it is easy for

misunderstandings to arise, even over the generally low-impact initial activities involved in reconnaissance and staking, unless care is taken to inform and consult. Such misunderstandings can compromise the future value of any find, and can build resistance to future activity.

There are ways to consult effectively, quickly and at least cost. Contact the EISC (on Crown lands) or ILA (on Inuvialuit-owned lands) and government agencies to ask for help in focussing the requirements, and for coordinating consultation with the communities with other activities and the regulatory processes.

14.3 What Does Effective Consultation Require?

There are two objectives of consultation:

- For the developer to understand the issues (social, political, environmental and economic) related to the activity and to accommodate concerns in project design; and
- For the community to understand the activities that will be undertaken, the timing and planning constraints for the developer and the opportunities that can reasonably be expected.

Primers on consultation identify five key components of effective consultation:

- **Notify:** Provide the community with notice. Leave time to consider the matter, and take into account community workload and seasonal availability.
- **Consult:** Preferably face to face, to achieve a fair and open exchange of views. Inform: Tell community what they need to know about nature, location, timing of activities. Provide information in a form suitable to the audience - orally in non-technical language.
- **Accommodate:** When developing the Project Description, describe the consultation and show how local information and knowledge contributed to the project description.
- **Be accountable:** for your commitments, with consistency in message and messenger.
- **Start early:** The longer you wait to consult, the further along the communities go in developing positions and expectations.

14.4 Applying for Authorizations: Start Early

Obtaining authorizations for mineral activity takes time. It should be clear from this guide that many organizations, both government and Inuvialuit, must coordinate to see an application through to final approval. Each of these organizations have their own scheduling issues, with different requirements for notice, setting of hearing dates, and processes for consulting other agencies. No matter how efficient any organization may be, the need to coordinate with so many others can mean a long lead time for approval even of activities that may not seem contentious.

To keep this in context, the elapsed time from application to decision is just as long, if not longer in other parts of the north. Inuvialuit processes have gained some experience in dealing with application, whereas the new regimes in Nunavut and the Mackenzie Valley are only just established.

For a mineral prospector or developer wanting to get on the land to catch brief seasonal windows of opportunity, this lead time can be frustrating. While the system will try to accommodate rush requirements, sometimes the time-frames for a last-minute project cannot be met.

The biggest favour you can do for your project is to start the process early. Even before the details are fully worked out, contact the regulators and either the EISC or the ILA depending on the type of land on which you want to work. Advise them that a project could be coming and find out when the key dates for starting the process may be. An early understanding of the range of requirements that must be met is an important asset in planning mineral activities and in working effectively to obtain authorizations and other decisions when they are needed.

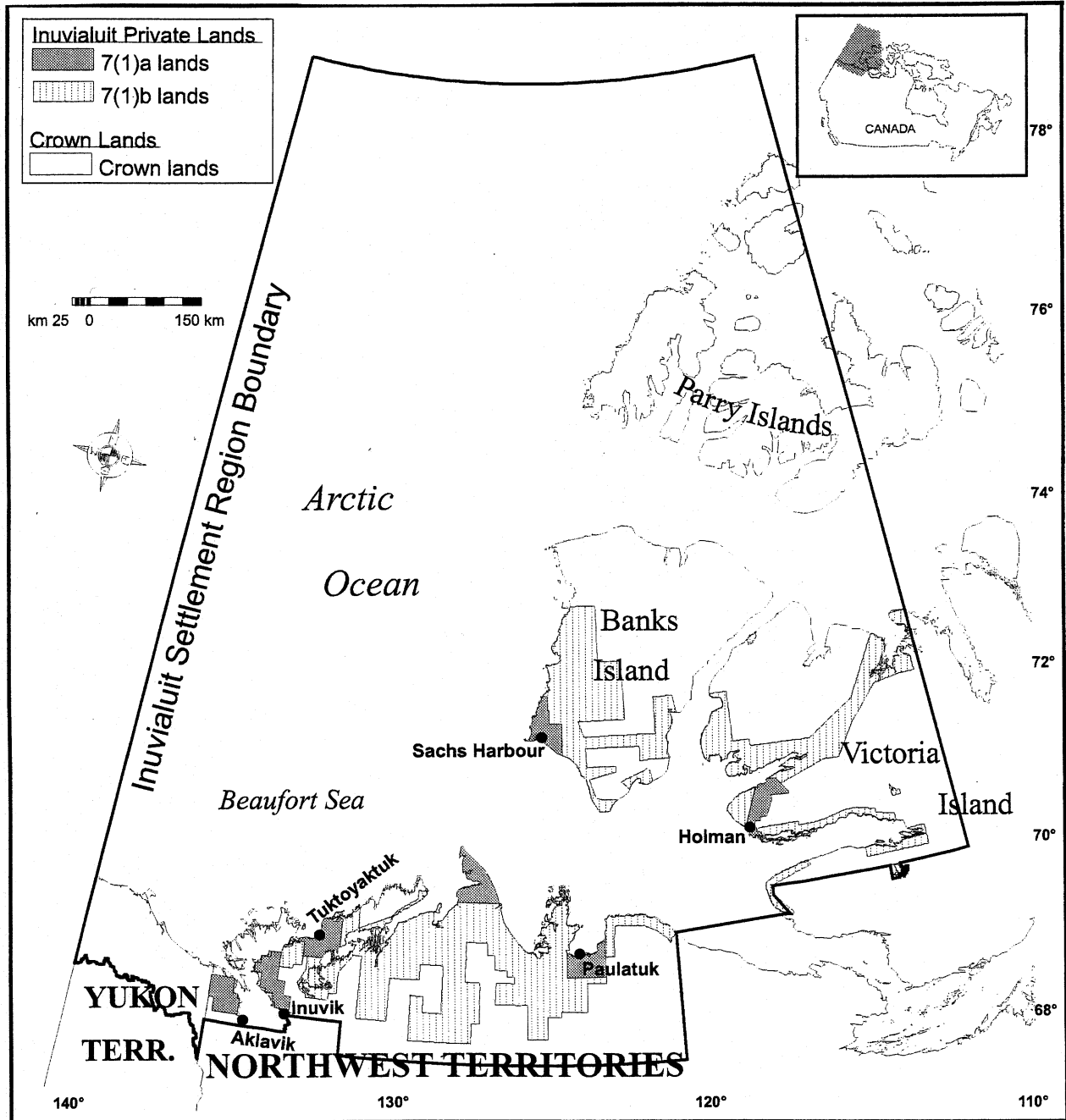
APPENDIX A

LIST OF MAPS

MAP 1	Inuvialuit Settlement Region: Private Inuvialuit Lands and Crown Lands Appendix A1 Source: Joint Secretariat - GIS
MAP 2	Protected Areas in the Inuvialuit Settlement Region Appendix A2 Source: Joint Secretariat - GIS
MAP 3	Environmental Sensitivity Map, Inuvialuit Settlement Region Appendix A3 Source: Indian Affairs and Northern Development, March 1998
MAP 4	Sachs Harbour: Inuvialuit-Owned Lands Appendix A4 Source: Joint Secretariat - GIS
MAP 5	Holman: Inuvialuit-Owned Lands Appendix A5 Source: Joint Secretariat - GIS
MAP 6	Inuvik and Aklavik: Inuvialuit-Owned Lands Appendix A6 Source: Joint Secretariat - GIS
MAP 7	Tuktoyaktuk: Inuvialuit-Owned Lands Appendix A7 Source: Joint Secretariat - GIS
MAP 8	Paulatuk: Inuvialuit-Owned Lands Appendix A8 Source: Joint Secretariat - GIS
MAP 9	Yukon North Slope Appendix A9 Source: Inuvialuit Final Agreement, Annex E

MAP 1

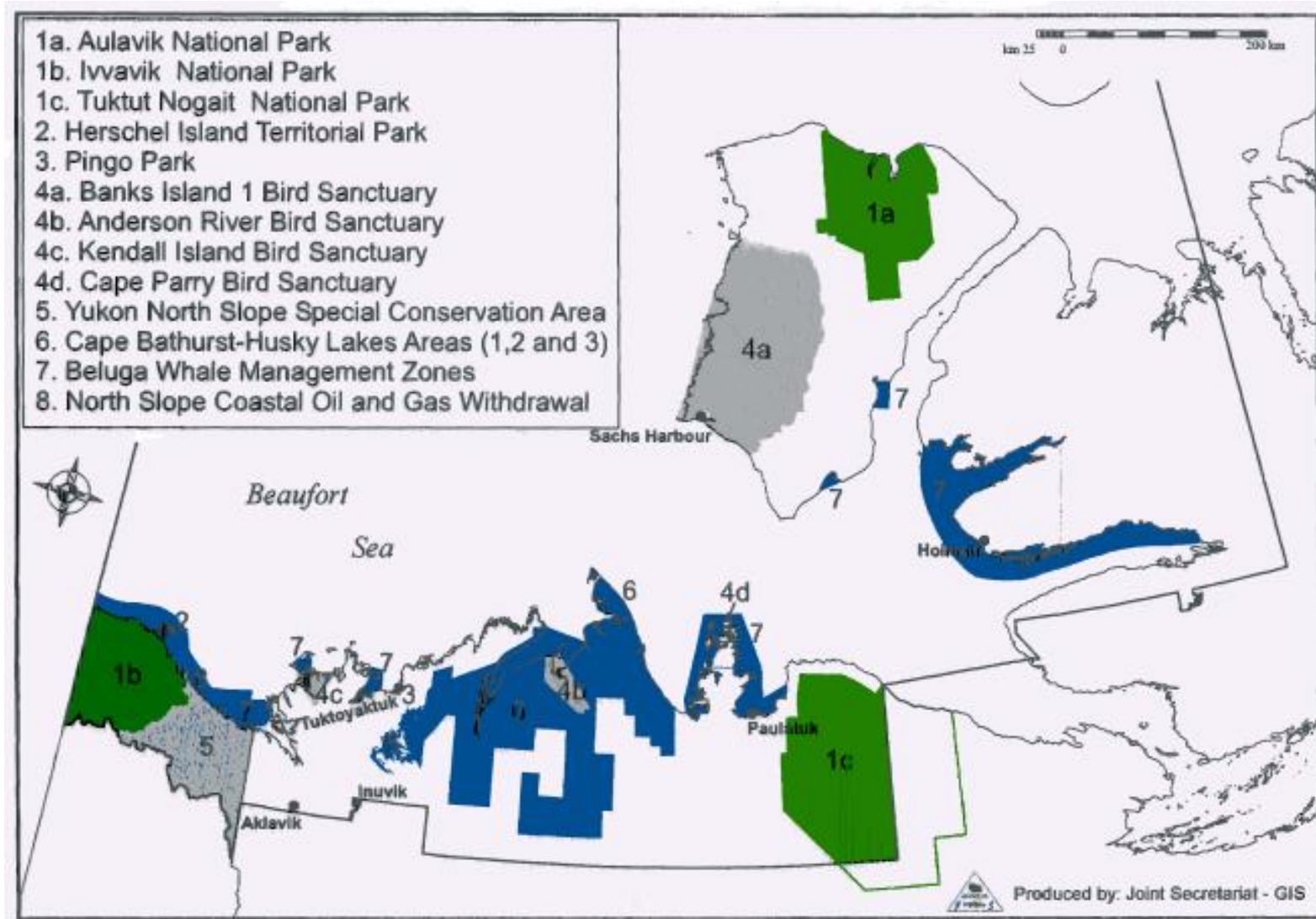
INUVIALUIT SETTLEMENT REGION
INUVIALUIT-OWNED LANDS AND CROWN LANDS

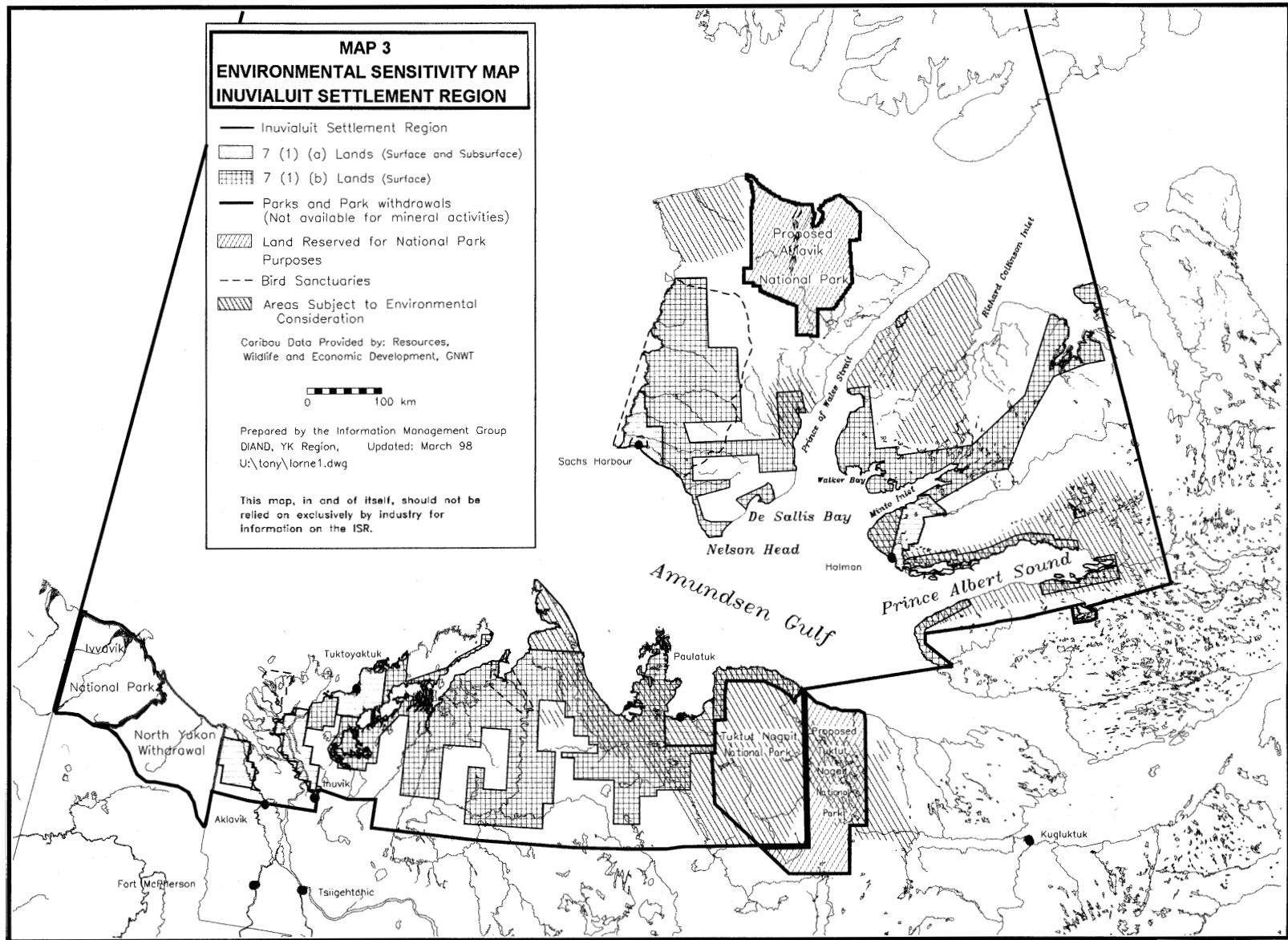


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MAP 2

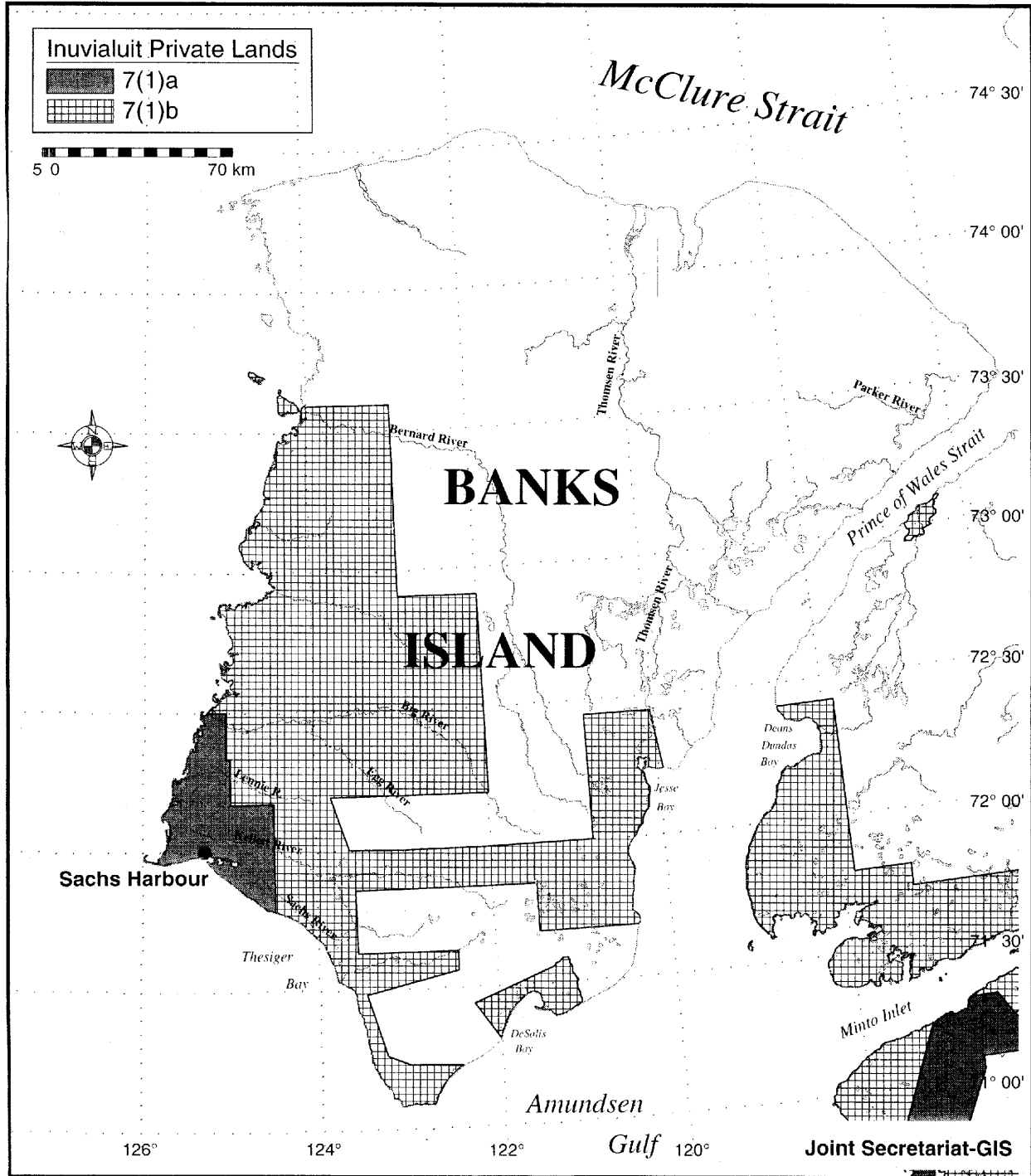
PROTECTED AREAS IN THE INUVIALUIT SETTLEMENT REGION





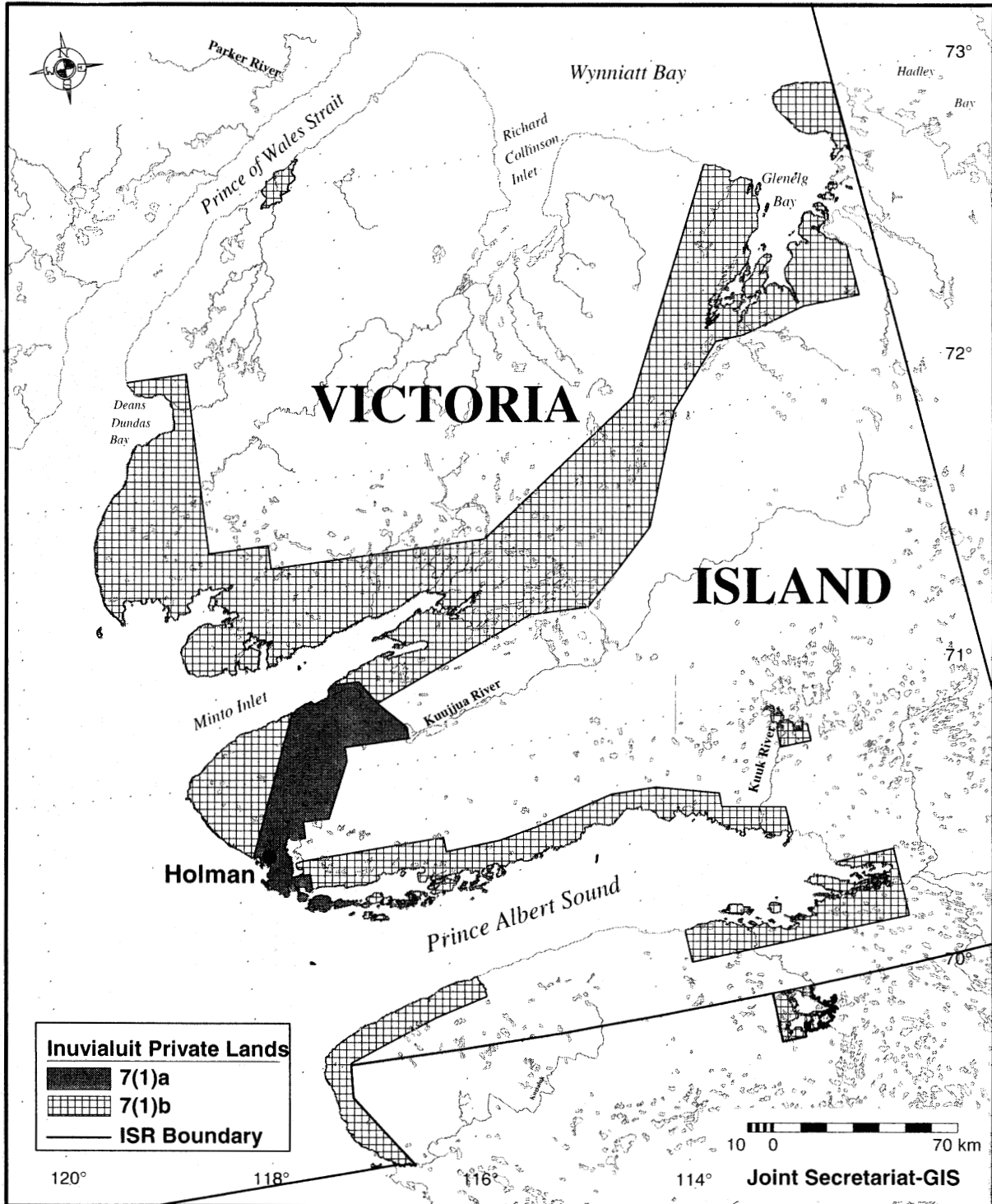
MAP 4

**SACHS HARBOUR
INUVIALUIT-OWNED LANDS**



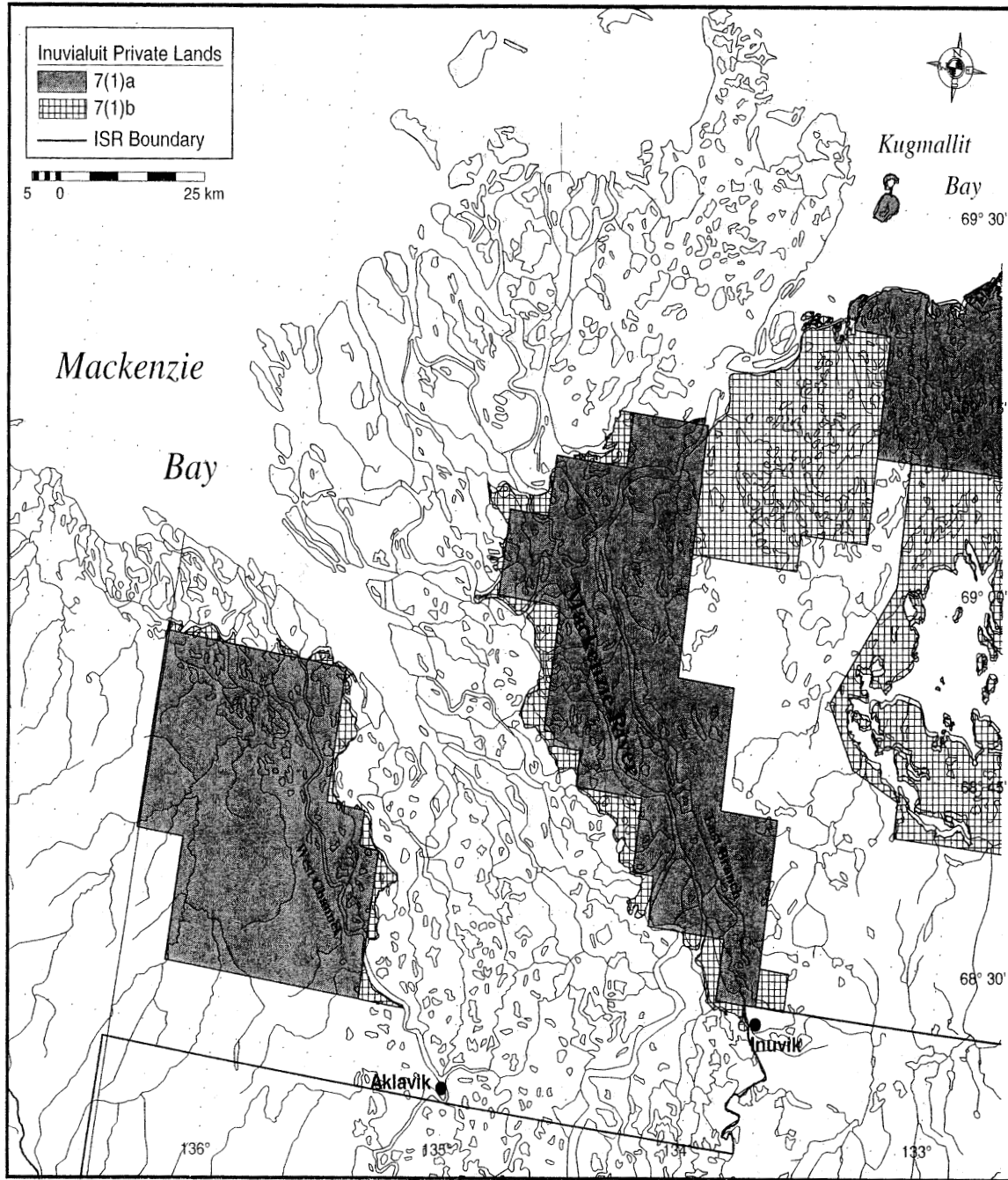
MAP 5

HOLMAN
INUVIALUIT-OWNED LANDS



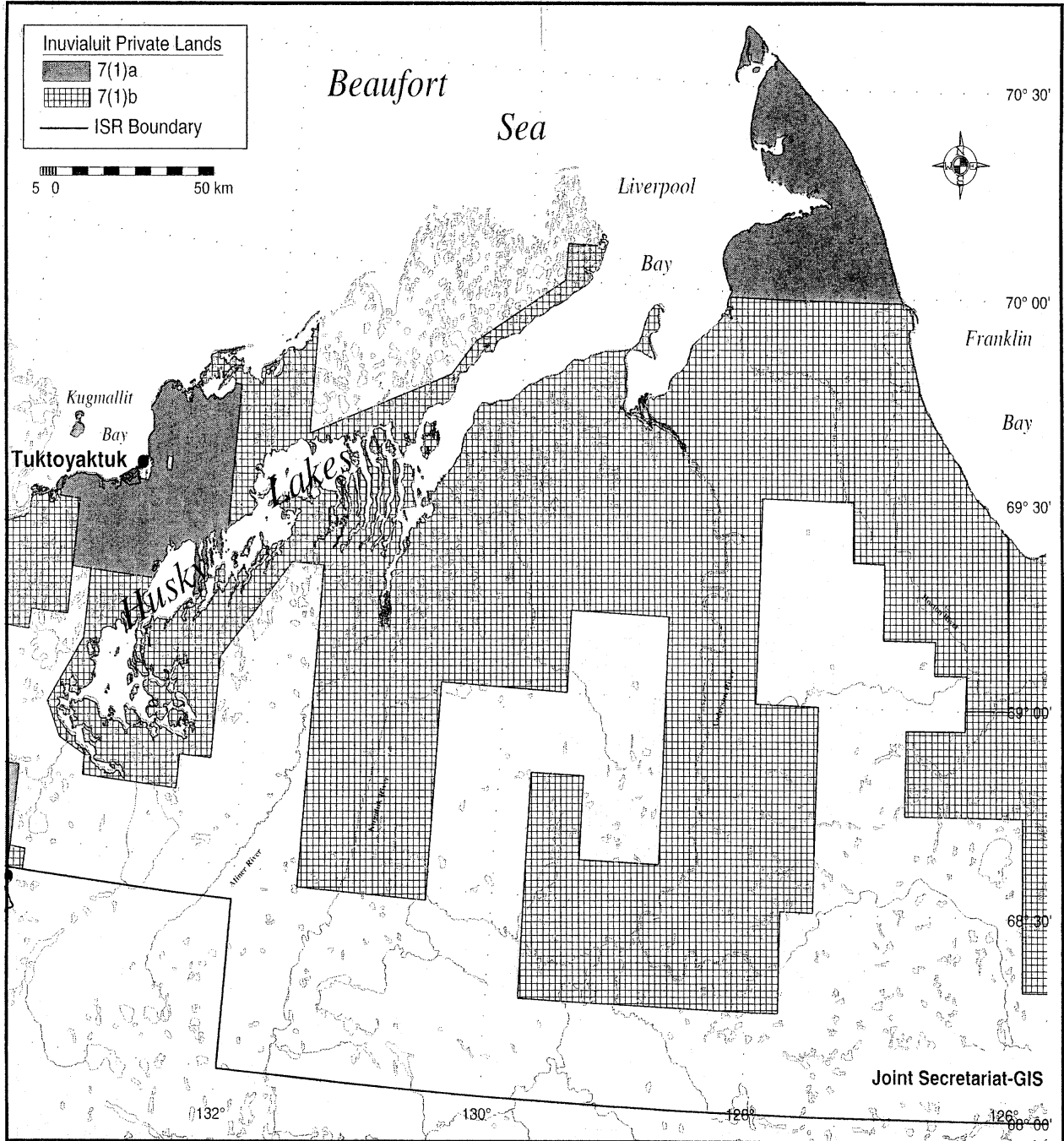
MAP 6

INUVIK AND AKLAVIK
INUVALUIT-OWNED LANDS



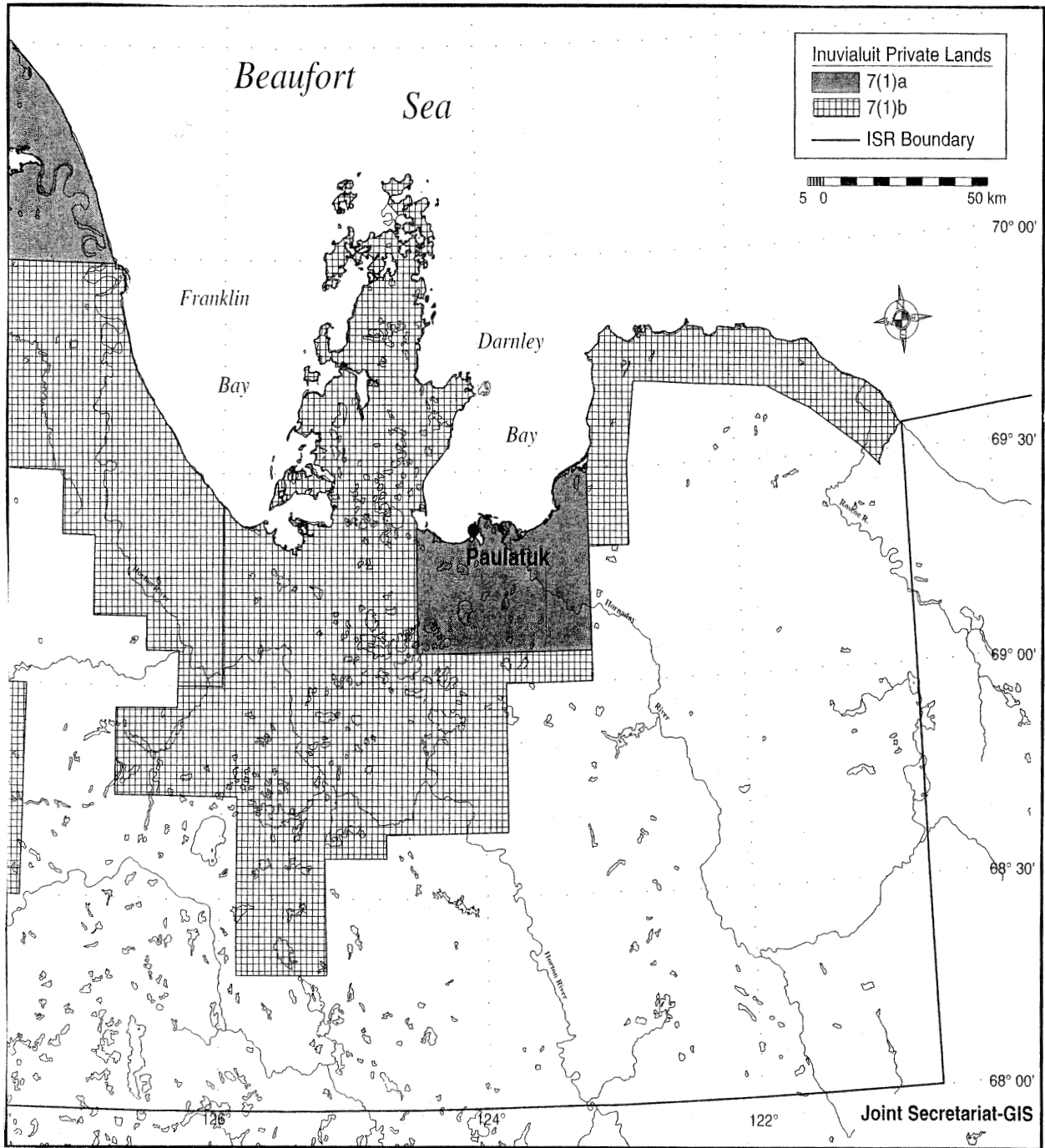
MAP 7

TUKTOYAKTUK
INUVIALUIT-OWNED LANDS



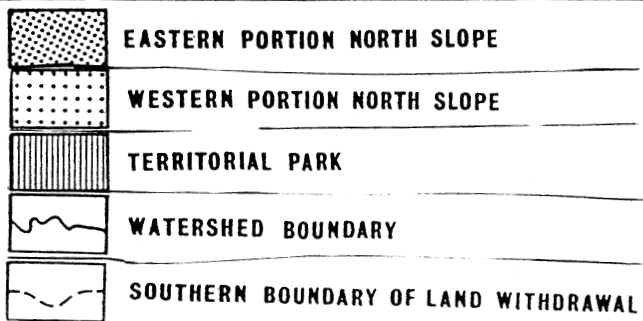
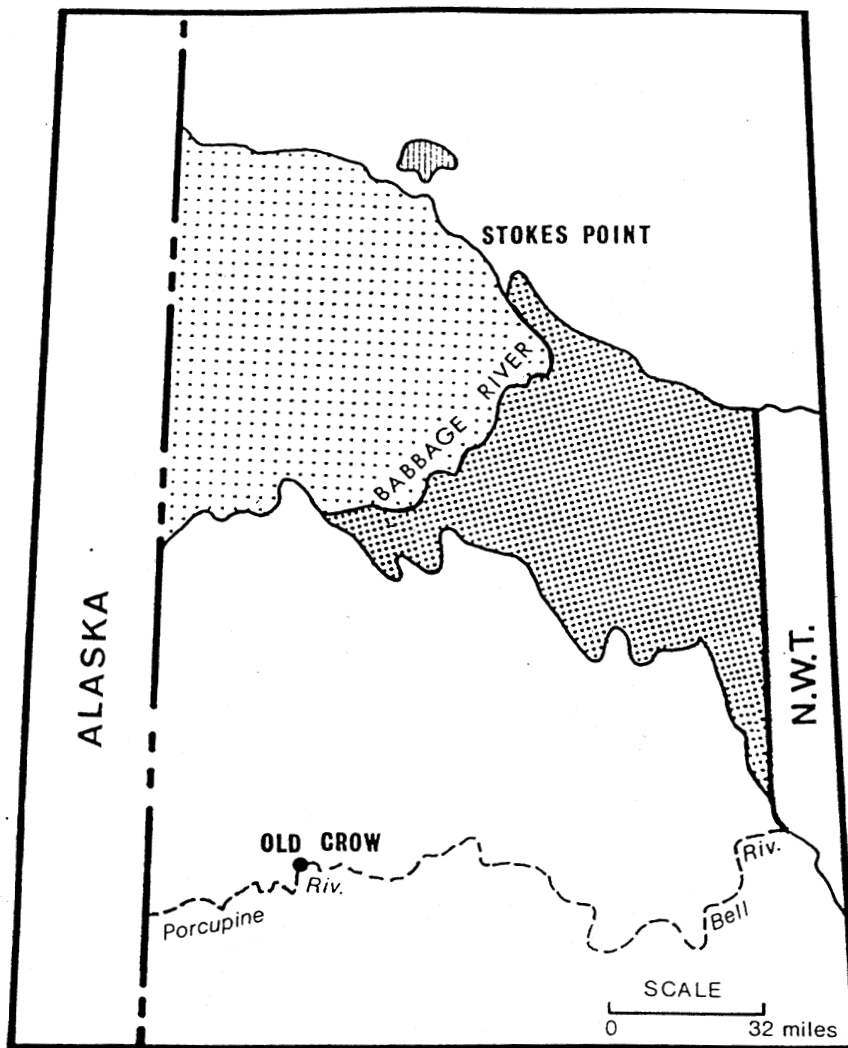
MAP 8

**PAULATUK
INUVIALUIT-OWNED LANDS**



MAP 9

YUKON NORTH SLOPE

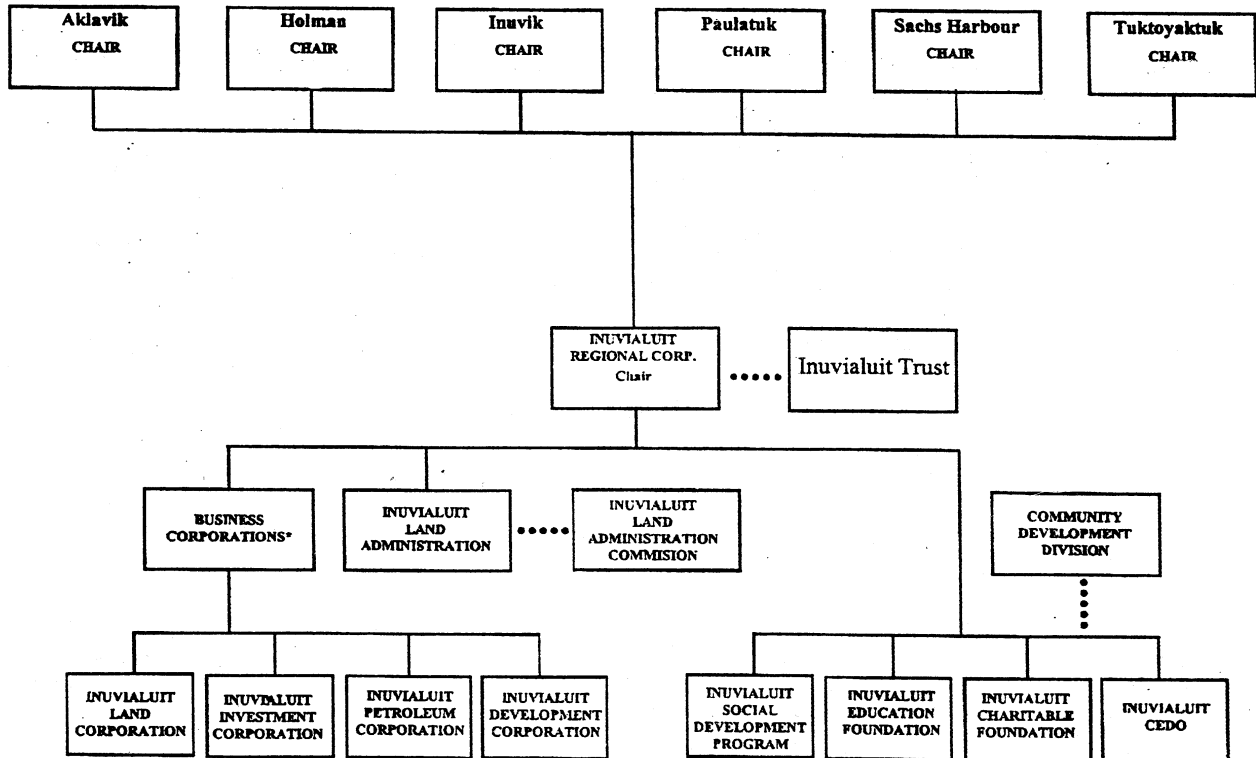


APPENDIX B

REGULATORY THRESHOLDS AND FLOW CHARTS

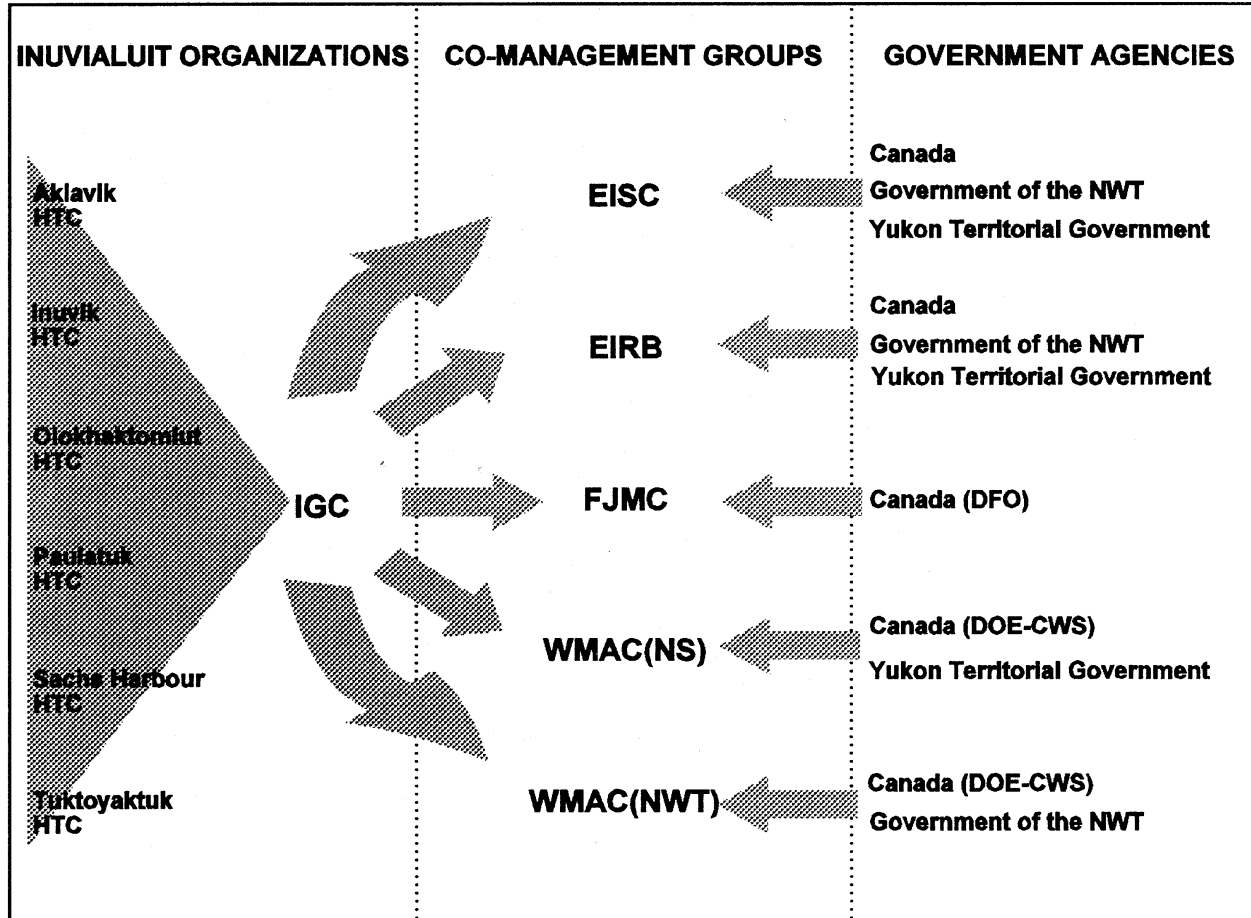
Inuvialuit Corporate Group Structure	Appendix B2
Source: IRC Annual Report	
Renewable Resource Management under the IFA: Organization Chart	Appendix B3
Source: EISC Operating Guidelines and Procedures	
Flow Chart for Environmental Screening: Environmental Impact Screening Committee	Appendix B4
Source: EISC Operating Guidelines and Procedures	
Flow Charts for Environmental Review: Environmental Impact Review Board	Appendix B5
Initiating the Public Review Process	Appendix B5
Small Scale Development (SSD) Procedure	Appendix B6
Standard Public Review (SPR) Procedure	Appendix B7
Source: EIRB Operating Procedures	
Thresholds for Class A and B Land Use Permits for Activities on Federal Crown Lands	Appendix B8
Source: <u>Territorial Land Use Regulations</u>	
Thresholds for Type A and B Water Licences on All Lands in the ISR	Appendix B9
Licensing Criteria for Mining and Milling Undertakings	Appendix B9
Licensing Criteria for Municipal Undertakings	Appendix B10
Licensing Criteria for Industrial Undertakings	Appendix B11
Source: <u>Northwest Territories Waters Regulations</u>	
Flow Chart: Application for a Type "A" Water Licence	Appendix B12
Source: Water Licensing in the Northwest Territories, Revised October 1997	
Flow Chart: Application for a Type "B" Water Licence	Appendix B13
Source: Water Licensing in the Northwest Territories, REvised October 1997	

INUVALUIT CORPORATE GROUP STRUCTURE



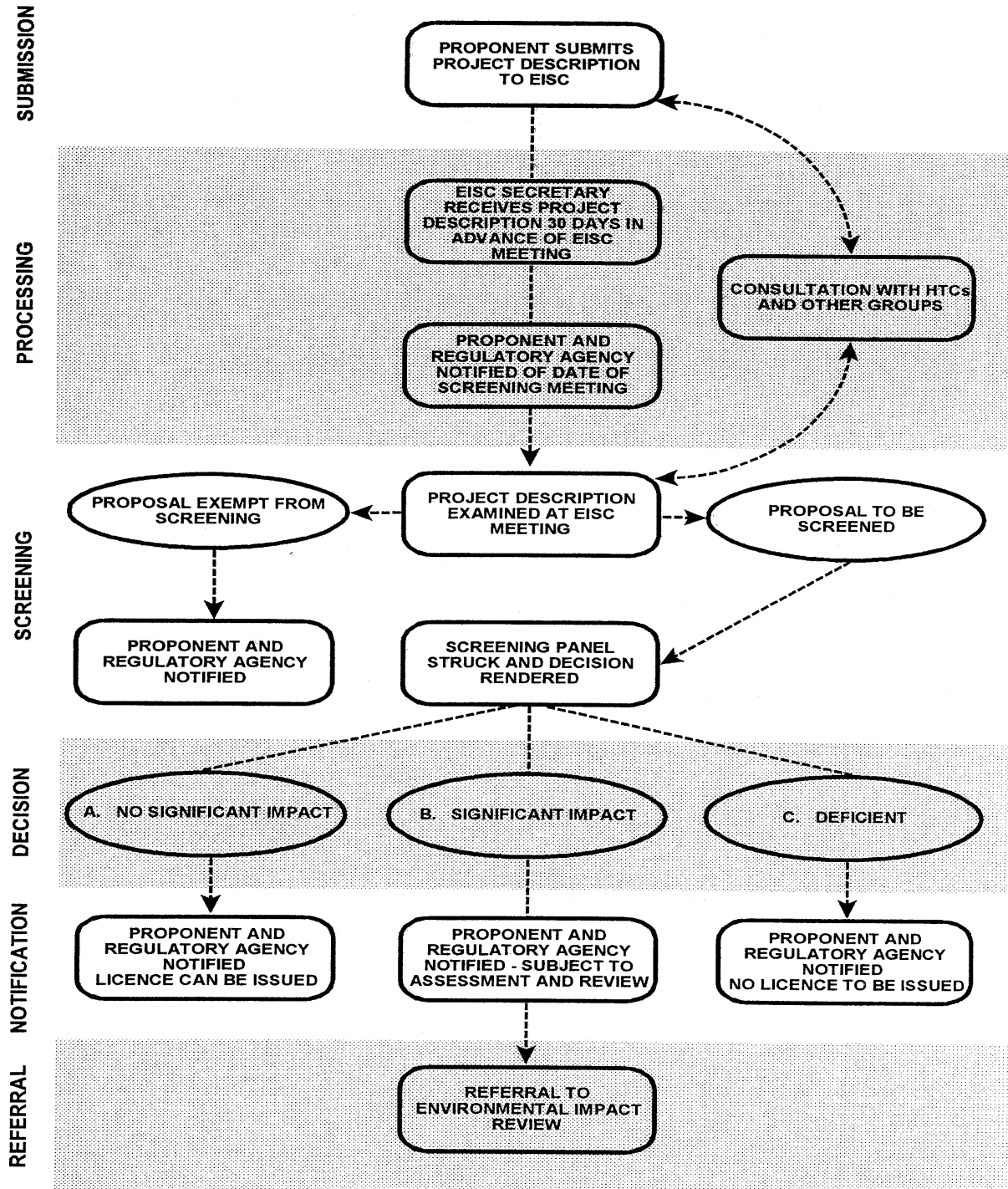
**RENEWABLE RESOURCE MANAGEMENT
UNDER THE INUVIALUIT FINAL AGREEMENT**

ORGANIZATION CHART



Source: EISC Operating Guidelines and Procedures

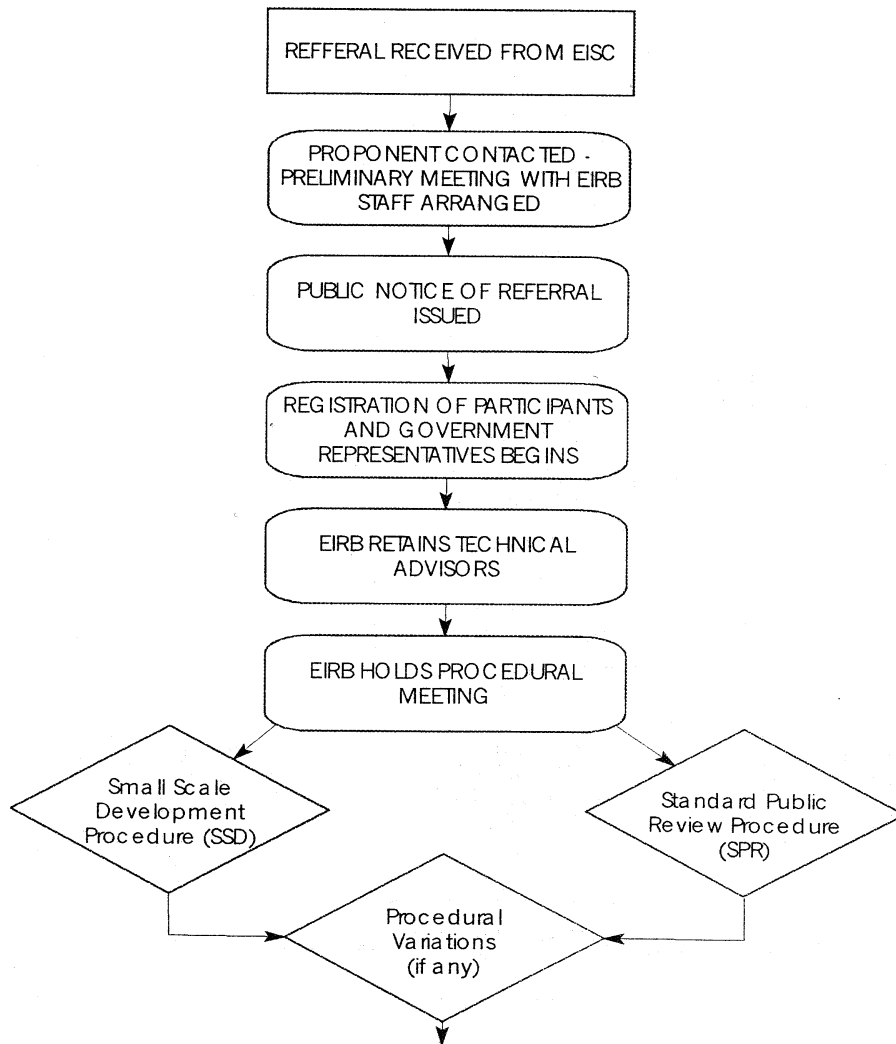
FLOW CHART FOR ENVIRONMENTAL SCREENING ENVIRONMENTAL IMPACT SCREENING COMMITTEE



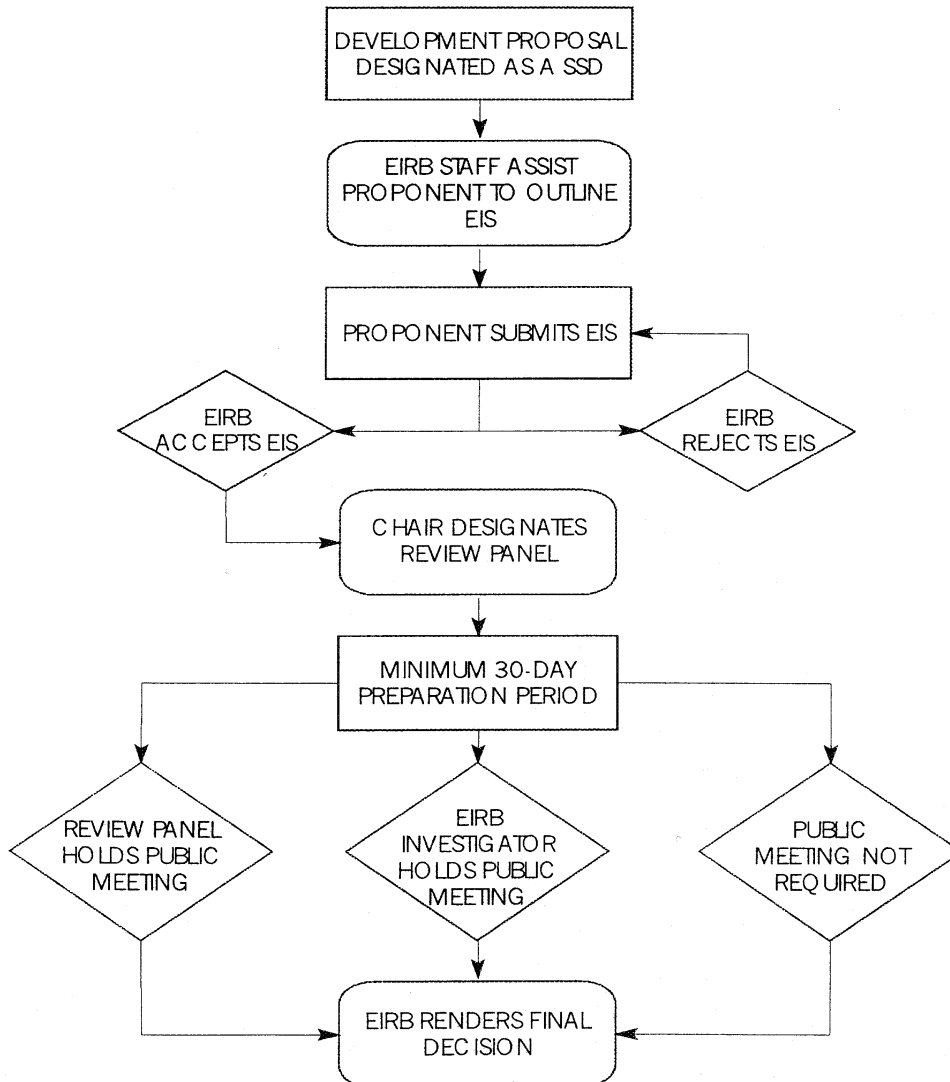
Source: EISC Operating Guidelines and Procedures

**FLOW CHART FOR ENVIRONMENTAL REVIEW
ENVIRONMENTAL IMPACT REVIEW BOARD**

INITIATING THE PUBLIC REVIEW PROCESS

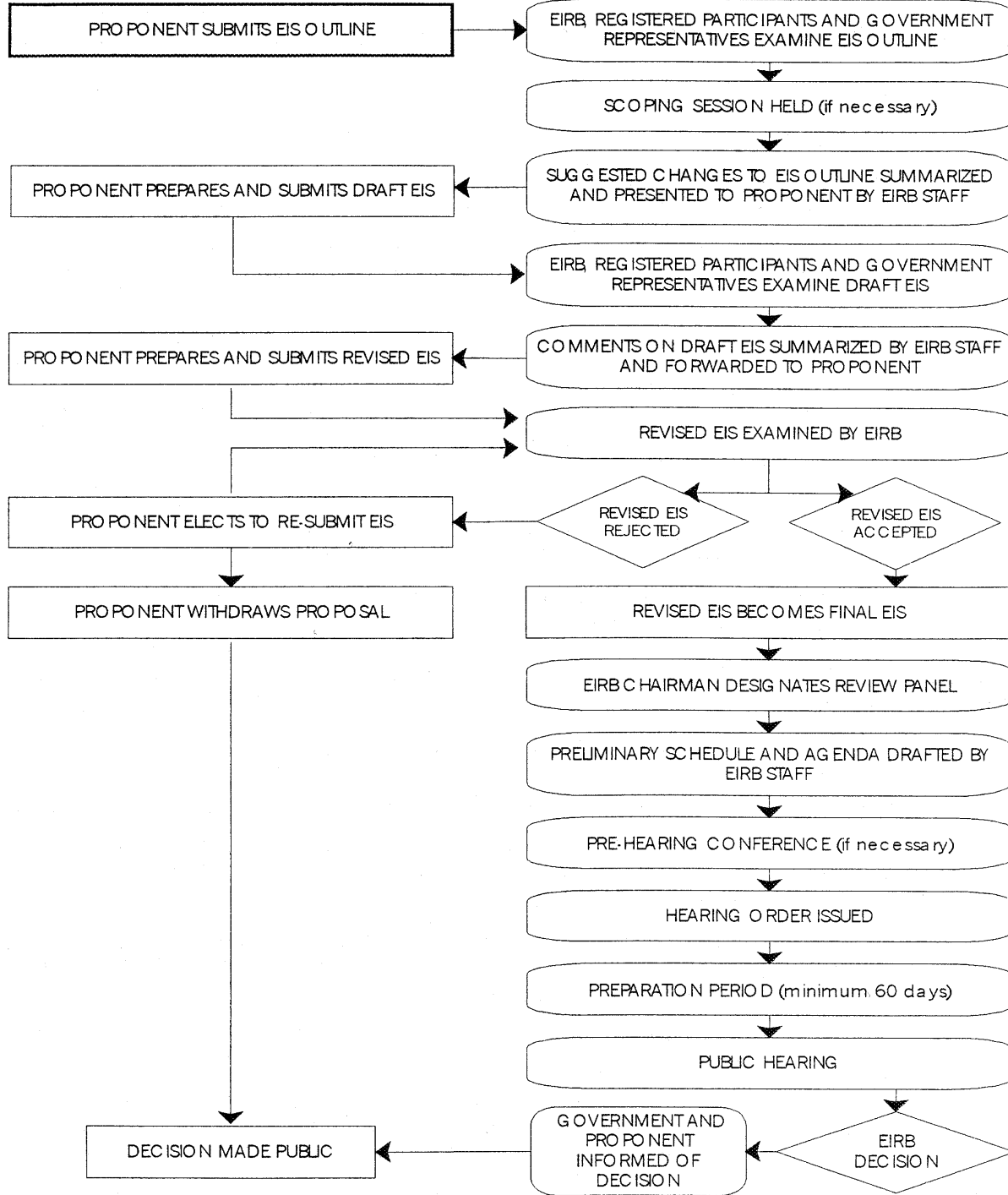


SMALL SCALE DEVELOPMENT (SSD) PROCEDURE



Source: EIRB Operating Procedures

STANDARD PUBLIC REVIEW (SPR) PROCEDURE



Source: EIRB Operating Procedures

THRESHOLDS FOR LAND USE PERMITS ON FEDERAL CROWN LANDS

Territorial Land Use Regulations, section 8: Thresholds for a Class A Land Use Permit

No person shall, without a Class A permit, carry on any work or undertaking on territorial lands that involves

- (a) the use, in any 30-day period, of more than 150 kg of explosives;
- (b) the use, except on a public road or trail maintained wholly or in part by federal funds, of any vehicle that exceeds 10 t net vehicle weight;
- (c) the use of any power driven machinery for earth drilling purposes whose operating weight, excluding the weight of drill rods or stems, bits, pumps and other ancillary equipment, exceeds 2.5 t;
- (d) the establishment of any campsite that is to be used for more than 400 man-days;
- (e) the establishment of any petroleum fuel storage facility exceeding 80 000 l capacity or the use of a single container for the storage of petroleum fuel that has a capacity exceeding 4 000 l;
- (f) the use of any self-propelled power driven machine for moving earth or clearing land of vegetation;
- (g) the use of any stationary power driven machine for hydraulic prospecting, moving earth or clearing land, other than a power saw; or
- (h) the levelling, grading, clearing, cutting or snowploughing of any line, trail or right-of-way exceeding 1.5 m in width and exceeding 4 ha in area.

Territorial Land Use Regulations, section 9: Thresholds for a Class B Land Use Permit

No person shall, without a Class B permit, carry on any work or undertaking on territorial lands that involves

- (a) the use, in any 30-day period of more than 50 kg but less than 150 kg of explosives;
- (b) the use, except on a public road or trail maintained wholly or in part by federal funds, of any vehicle that is more than 5 t but less than 10 t net vehicle weight, or the use of any vehicle of any weight that exerts pressure on the ground in excess of 35 k pa;
- (c) the use of any power driven machinery for earth drilling purposes whose operating weight, excluding the weight of drill rods or stems and bits, pumps and other ancillary equipment, is more than 500 kg but less than 2.5 t;
- (d) the establishment of any campsite that is to be used by more than two people for more than 100 but less than 400 man-days;
- (e) the establishment of any petroleum fuel storage facility that has a capacity of more than 4 000 l but less than 80 000 l or the use of a single container for the storage of petroleum fuel that has a capacity of more than 2 000 l but less than 4 000 l; or
- (f) the levelling, grading, clearing, cutting or snowploughing of any line, trail or right-of-way exceeding 1.5 m in width but not exceeding 4 ha in area.

Available on the web at: <http://canada.justice.gc.ca/FTP/EN/Regs/Chap/T/T-7/CRC1524.txt>

THRESHOLDS FOR WATER LICENCES ON ALL LANDS IN THE ISR

SCHEDULE V (Sections 5 and 8)

LICENSING CRITERIA FOR MINING AND MILLING UNDERTAKINGS

Item	Column I Water Use/ Deposit of Waste	Column II Water Use and Deposit of Waste Permitted Without a Licence	Column III Water Use and Deposit of Waste Requiring a Type "B" Licence	Column IV Water Use and Deposit of Waste Requiring a Type "A" Licence
1.	Direct water use	Use of less than 100 m ³ per day*	Use of water for milling at a rate of less than 100 tonnes of ore per day, use of water for leaching other than production leaching or use of 100 or more cubic metres per day for undertakings other than milling or production leaching*	Use of water for milling at a rate of 100 or more tonnes of ore per day or use of water for production leaching
2.	(1) Watercourse crossings, including pipelines, bridges and roads (2) Watercourse training including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	Construction of a structure across a watercourse less than 5 metres wide at ordinary high water mark at point of construction Training (a) of intermittent watercourses, (b) of watercourses that are less than 5 m wide at the ordinary high water mark at the point of training, (c) involving infilling of a watercourse with no inflow or outflow and with a surface area of less than 0.5 ha, or (d) involving removal or placement of less than 100 m ³ of material, where cross-sectional area not significantly changed at point of removal or placement	Construction of a structure across a watercourse 5 or more metres wide at ordinary high water mark at point of construction All other watercourse training	None None
	(3) Flood Control	Construction of a temporary structure	Construction of a permanent in-stream structure	None
	(4) Diversions	Diversion of a watercourse that is less than 2 metres wide at ordinary high water mark at point of diversion	All other diversions	N
	(5) Alteration of flow or storage by means of dams or dikes	Off-stream storage of a quantity of water less than or equal to 2 500 m ³	Off-stream storage of a quantity of water greater than 2 500 m ³ and less than 60 000 m ³ , or instream storage of a quantity of water less than 60 000 m ³	All other alterations or storage
3.	Deposit of waste in conjunction with (a) placer mining, or (b) other mining and milling	Any deposit of waste in conjunction with non-mechanized in-stream placer operations or with out-of-stream watercourse placer or testing operations, where no chemical additives are used and there is no direct or indirect deposit of waste to surface water Any deposit of waste, other than from milling, where there is no direct or indirect deposit to surface water	Any deposit of waste in conjunction with mechanized in-stream placer operations or with any operations where chemical additives are used Any direct or indirect deposit of waste to surface waters, or any deposit of waste from milling at a rate of less than 100 tonnes of ore per day	None Deposit of waste from milling at a rate of 100 tonnes or more of ore per day

* Does not include water taken from an artificial reservoir with no natural inflow.

SCHEDULE VI
(Sections 5 and 8)

LICENSING CRITERIA FOR MUNICIPAL UNDERTAKINGS

Item	Column I Water Use/ Deposit of Waste	Column II Water Use and Deposit of Waste Permitted Without a Licence	Column III Water Use and Deposit of Waste Requiring a Type "B" Licence	Column IV Water Use and Deposit of Waste Requiring a Type "A" Licence
1.	Direct water use	Use of less than 50 m ³ per day*	Use of 50 or more cubic metres and less than 2,000 m ³ per day*	Use of 2,000 or more cubic metres per day*
2.	(1) Watercourse crossings, including pipelines, bridges and roads	Construction of a structure across a watercourse less than 5 m in width at ordinary high water mark at point of construction	Construction of a structure across a watercourse 5 or more metres in width at ordinary high water mark at point of construction	None
	(2) Watercourse training, including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	Training (a) of intermittent watercourses, (b) of watercourses that are less than 5 m wide at the ordinary high water mark at the point of training, (c) involving infilling of a watercourse with no inflow or outflow and with a surface area of less than 0.5 ha, or (d) involving removal or placement of less than 100 m ³ of material, where cross-sectional area not significantly changed at point of removal or placement	All other watercourse training	None
	(3) Flood Control	Construction of a temporary structure	Construction of a permanent in-stream structure	None
	(4) Diversions	Diversion of a watercourse that is less than 2 metres wide at ordinary high water mark at point of diversion	All other diversions	None
	(5) Alteration of flow or storage by means of dams or dikes	Off-stream storage of a quantity of water less than or equal to 2 500 m ³	Off-stream storage of a quantity of water greater than 2 500 m ³ and less than 60 000 m ³ , or in-stream storage of a quantity of water less than 60 000 m ³	All other alterations or storage
3.	Deposit of waste by			
	(a) municipalities or settlements	Any deposit of waste in accordance with the <i>Public Sewerage Systems Regulations</i> of the Northwest Territories by a city, town, village or settlement serving 50 or fewer people where there is no direct or indirect deposit of waste to surface waters	Any deposit of waste by means of sewage collection or treatment system serving a population of between 50 and 2,000	Any deposit of waste by means of a sewage collection or treatment system serving a population of 2,000 or more
	(b) camps or lodges	Any deposit of waste in accordance with the <i>General Sanitation Regulations</i> of the Northwest Territories by a camp or lodge serving 50 or fewer people, where there is no direct or indirect deposit to surface waters	Any deposit of waste by a camp or a lodge with capacity of more than 50 occupants per day or any direct or indirect deposit of waste to surface waters	None

* Does not include water taken from an artificial reservoir with no natural inflow.

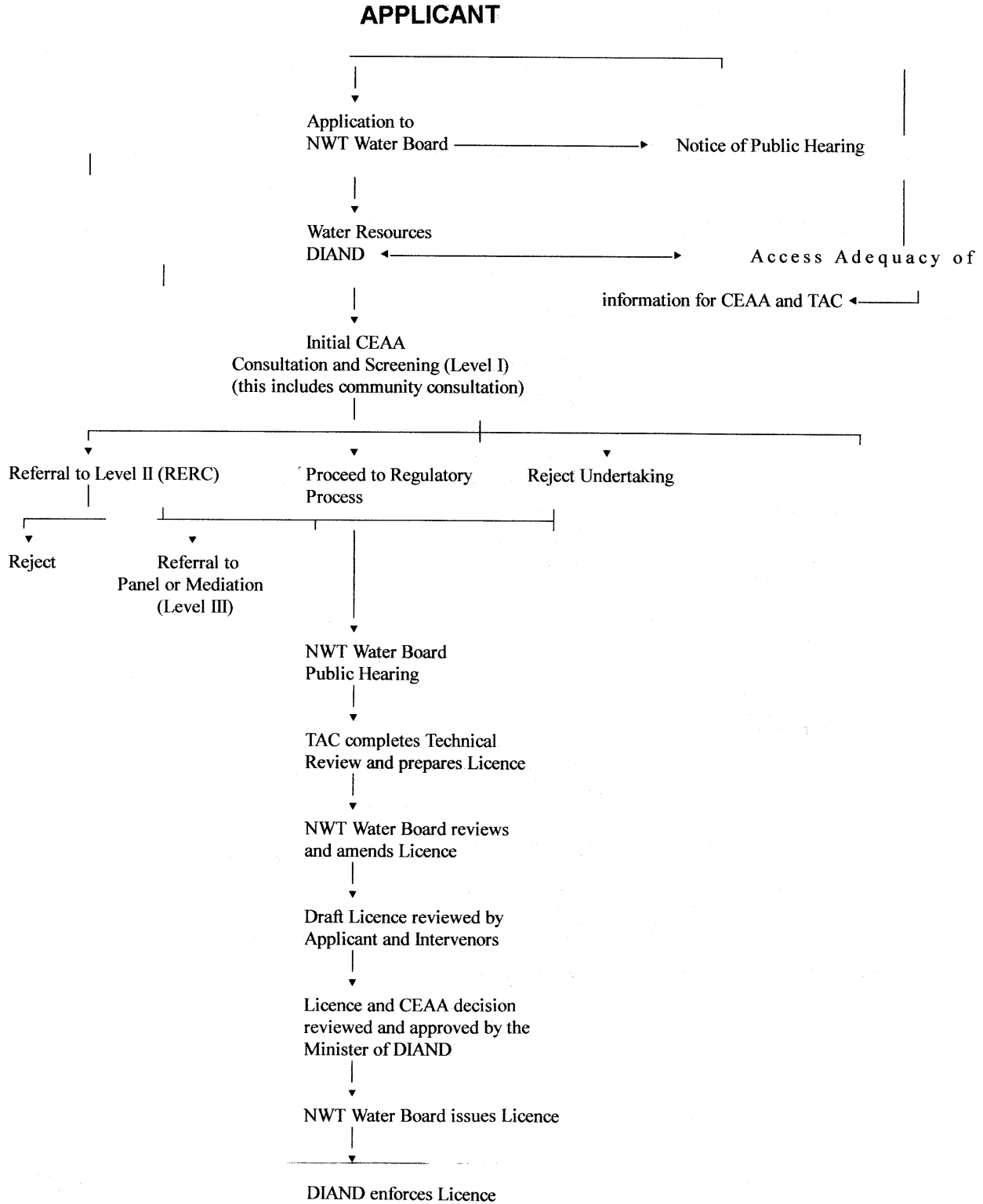
SCHEDULE IV
(Sections 5 and 8)

LICENSING CRITERIA FOR INDUSTRIAL UNDERTAKINGS

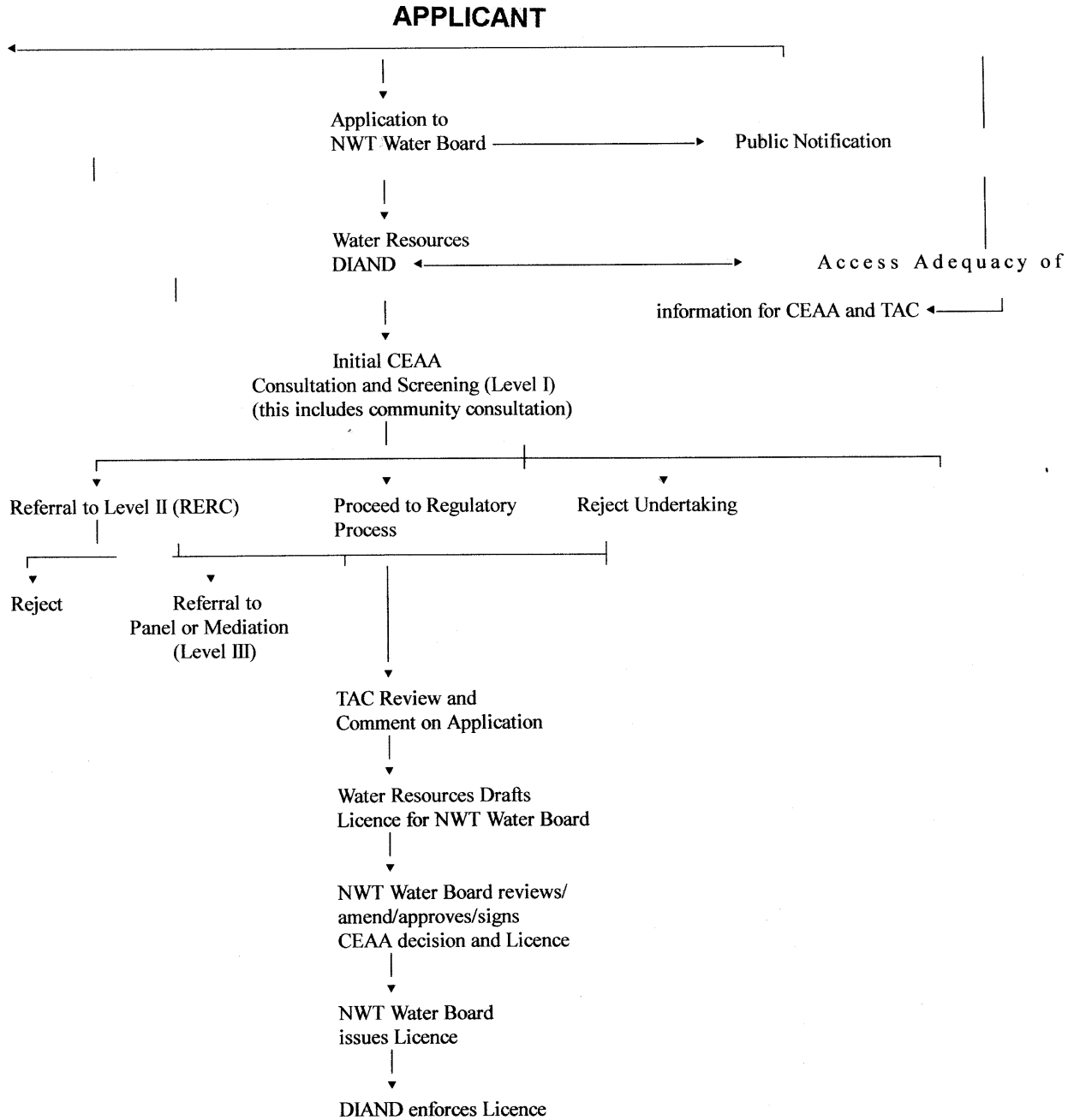
Item	Column I Water Use/ Deposit of Waste	Column II Water Use and Deposit of Waste Permitted Without a Licence	Column III Water Use and Deposit of Waste Requiring a Type "B" Licence	Column IV Water Use and Deposit of Waste Requiring a Type "A" Licence
1.	Direct water use in respect of (a) oil and gas exploration; and (b) any other industrial undertaking	Use of less than 100 m ³ per day* Use of less than 100 m ³ per day*	Use of 100 or more cubic metres per day* Use of 100 or more cubic metres per day and less than 300 cubic metres per day*	None Use of 300 or more cubic metres per day*
2.	(1) Watercourse crossings, including pipelines, bridges and roads (2) Watercourse training, including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion (3) Flood Control (4) Diversions (5) Alteration of flow or storage by means of dams or dikes.	Construction of a structure across a watercourse less than 5 metres wide at ordinary high water mark at point of construction Training (a) of intermittent watercourses, (b) of watercourses that are less than 5 m wide at the ordinary high water mark at the point of training, (c) involving infilling of a watercourse with no inflow or outflow and with a surface area of less than 0.5 ha, or (d) involving removal or placement of less than 100 m ³ of material, where cross-sectional area not significantly changed at point of removal or placement Construction of a temporary structure Diversion of a watercourse that is less than 2 m wide at ordinary high water mark at point of diversion Off-stream storage of a quantity of water less than or equal to 2 500 m ³	Construction of a structure across a watercourse 5 or more metres wide at ordinary high water mark at point of construction All other watercourse training Construction of a permanent in-stream structure All other diversions Off-stream storage of a quantity of water greater than 2 500 m ³ and less than 60 000 m ³ , or instream storage of a quantity of water less than 60 000 m ³	None None None All other alterations or storage
3.	Deposit of waste in conjunction with (a) oil and gas exploration, (b) oil and gas production, processing and refining, (c) quarrying and gravel washing, (d) hydrostatic testing, (e) cooling, or (f) other industrial undertakings	None None Deposit of waste in conjunction with quarrying above ordinary high water mark where there is no direct or indirect deposit of waste to surface water Any deposit of waste associated with cleaning or testing of previously unused storage tanks or pipelines Any deposit of waste that does not contain biocides or conditioners None	Deposit of drill waste to a sump None Deposit of waste in conjunction with quarrying below ordinary high water mark or deposit of waste in conjunction with quarrying above ordinary high water mark where there is a direct or indirect deposit of waste to surface water Any deposit of waste associated with cleaning or testing of used storage tanks or pipelines Any deposit of biocides or conditioners All	Deposit of drill waste in a manner other than to a sump All deposits of waste None None None None

* Does not include water taken from an artificial reservoir with no natural inflow.

FLOW CHART
APPLICATION FOR A TYPE "A" WATER LICENCE
For Larger Projects



FLOW CHART
APPLICATION FOR A TYPE "B" WATER LICENCE
For Smaller Projects



APPENDIX C

REFERENCES AND GUIDES	Appendix C2
Publications of Indian and Northern Affairs Canada	Appendix C2
Publications of the Government of the Northwest Territories	Appendix C3
Other Sources	Appendix C3
Inuvialuit Publications	Appendix C4
LIST OF ACRONYMS	Appendix C5
LIST OF LEGISLATION	Appendix C6
Government of the Northwest Territories	Appendix C6
Government of Canada	Appendix C8

REFERENCES AND GUIDES

PUBLICATIONS OF INDIAN AND NORTHERN AFFAIRS CANADA

On the Inuvialuit Final Agreement

The Western Arctic Claim. A Guide to the Inuvialuit Final Agreement. Ottawa 1984

The Western Arctic Claim. The Inuvialuit Final Agreement. Ottawa, 1985

On Jurisdictional Responsibilities

Jurisdictional Responsibilities for Land Resources, Land Use and Development in the Yukon Territory and Northwest Territories. Land Management Division, Northern Affairs Program. Nov 13, 1997

Book Two: *Northwest Territories Inuvialuit Settlement Region Lands.*

Book Three: *Yukon Inuvialuit Settlement Region Lands*

Book Four: *Other Yukon Territory Federal Lands*

Guidelines for Mineral Activities in the Northwest Territories

Natural Resource Development in the NWT: Requirements, Procedures and Legislation, (DIAND)

A Guide to Territorial Land Use Regulations, Land Resources, Northern Affairs Program, DIAND, 1994

Guide to Completing Application for a Land Use Permit Pursuant to the Territorial Land Use Regulations, available from Land Administration, DIAND

How to Obtain Rights in the Northwest Territories, DIAND

Reclamation Guidelines for Northern Canada. Prepared by Hardy BBT Ltd. For Land Resources, Northern Affairs Program. Ottawa. 1987

Land Use Guidelines Access Roads and Trails. Prepared by Hardy Assoc. For Land Resources, Northern Affairs Program. Ottawa, 1994

Environmental Operating Guidelines: Access Roads and Trails, DIAND

Land Use Guidelines: Mineral Exploration Yukon and NWT. Prepared by Hardy Associates. For Land Resources, Northern Affairs Program. Ottawa. 1994

Environmental Guidelines, Pits and Quarries. For Land Resources, Northern Affairs Program. Ottawa, 1994

Placer Mining in the Northwest Territories, DIAND

Guidelines for the Discharge of Treated Municipal Wastewater in the NWT, 1992

Guidelines for Tailings Impoundment in the NWT, February 1987

Guidance for Northern Aquatic Effects Monitoring, Water Resources Division, DIAND, October 1997

Guidelines for Contingency Planning, January 1987

Guidelines for Abandonment and Restoration Planning for Mines in the NWT, September 1990

Guidelines for Acid Rock Drainage Prediction in the North

Mining Industry Questionnaire for Water Licence Applications, Water Resources, DIAND, Revised: Nov 1997

Mining Exploration and Development Questionnaire for Water Licence Applications, Water Resources, DIAND, August 1995

Water Licensing in the Northwest Territories: Summary of Procedures and Information Requirements, January 1996, Revised: January 1997

Guidelines for Mineral Activities within the Inuvialuit Settlement Region

Information and Procedures Developing the Inuvialuit Settlement Region. Ottawa, 1988.

Environmental Sensitivity Map, Inuvialuit Settlement Region, DIAND, Revised: March 1998

1995 Mineral Prospecting Agreement

Attachment "B" to NWT Prospector's Licence: Prospecting for Minerals within the Inuvialuit Settlement Region (Pursuant to 1995 Mineral Prospecting Agreement between DIAND and Inuvialuit institutions.

PUBLICATIONS OF THE GOVERNMENT OF THE NORTHWEST TERRITORIES

Department of Resources, Wildlife and Economic Development

NWT Protected Areas Strategy (PAS): Protecting Special Natural Areas in the NWT, Draft 4, 23 Sept 1998.

NWT Protected Areas Strategy (PAS): Protected Areas Toolkit, 1997.

A Guide to Legislation Affecting Exploration and Mining in the NWT, Energy Mines and Petroleum Resources (Now Resources, Wildlife and Economic Development) November 1991

Co-Management Plan for Grizzly Bear in the Inuvialuit Settlement Region. Yukon Territory and Northwest Territories. Department of Resources, Wildlife, and Economic Development, GNWT. Inuvik, NWT. 1998

OTHER SOURCES

Key Migratory Bird Terrestrial Habitat Sites in the NWT, Occasional Paper Number 71, Canadian Wildlife Service, Alexander Ferguson, McCormick

Report on the Challenge of Community Relations, Prospectors and Developers Association of Canada, Toronto, 1997

INUVALUIT PUBLICATIONS

General Publications

Publications Available from the Joint Secretariat. Joint Secretariat. Inuvik, NWT. 1996.
Co-management in the Western Arctic and Yukon North Slope. pamphlet

Environmental Impact Screening Committee

Environmental Impact Screening Committee, Annual Activity Report. Published annually.
Environmental Impact Screening Committee. Operating Guidelines and Procedures. February 1999.

Environmental Impact Review Board

Environmental Impact Review Board. Operating Procedures, October 30, 1997.
Environmental Impact Review Board. Annual Activity Report. Published annually.

Community Conservation Plans

Paulatuk Conservation Plan: A Plan for the Conservation and Management of Renewable Resources and Lands around Paulatuk, Northwest Territories. Joint Secretariat. Inuvik, NWT

Aklavik Inuvialuit Community Conservation Plan, A Plan for the Conservation and Management of Renewable Resources and Lands within the Inuvialuit Settlement Region in the Vicinity of Aklavik, Northwest Territories. 1993. Joint Secretariat. Inuvik, NWT

Inuvik Inuvialuit Community Conservation Plan, A Plan for the Conservation and Management of Renewable Resources and Lands within the Inuvialuit Settlement Region in the Vicinity of Inuvik, Northwest Territories. Joint Secretariat. Inuvik NWT

Olokhaktokmiut Community Conservation Plan, A Plan for the Conservation and Management of Renewable Resources and Lands within the Inuvialuit Settlement Region in the vicinity of Holman, Northwest Territories. Wildlife Management Advisory Committee (NWT) and Fisheries Joint Management Committee. 1994. Joint Secretariat. Inuvik. NWT

Sachs Harbour Community Conservation Plan. A Plan for the Conservation and Management of Renewable Resources and Lands in the Vicinity of Banksland, Northwest Territories. Joint Secretariat. Inuvik, NWT

Tuktoyaktuk Conservation Plan. A Plan for the Conservation and Management of Renewable Resources and Lands around Tuktoyaktuk, Northwest Territories. Joint Secretariat. Inuvik. NWT

Conservation and Management Plans

Inuvialuit Renewable Resource Conservation and Management Plan. Prepared by WMAC (NWT) and FJMC. Available from WMAC (NWT). April 25, 1988

Yukon North Slope. The Land and the Legacy. Yukon North Slope Wildlife Conservation and Management Plan Volume 1: Environmental Overview. WMAC (NS) Secretariat. Whitehorse, Yukon. 1996

Beaufort Sea Beluga Management Plan, Third Printing. Fisheries Joint Management Committee. Joint Secretariat. Inuvik, NWT. 1998

Inuvialuit Land Administration

Inuvialuit Land Administration Rules and Procedures. Inuvik, NWT. April 1, 1986.

A Brief Summary of the Inuvialuit Land Administration Rules and Procedures. Inuvik, 1986

LIST OF ACRONYMS

CEAA	Canadian Environmental Assessment Act
CWS	Canadian Wildlife Service
DFO	Department of Fisheries and Oceans (Federal)
DIAND	Department of Indian Affairs and Northern Development
EIRB	Environmental Impact Review Board
EISC	Environmental Impact Screening Committee
FJMC	Fisheries Joint Management Committee
GNWT	Government of the Northwest Territories
GRRB	Gwich'in Renewable Resources Board
GLWB	Gwich'in Land and Water Board
HTC	Hunters and Trappers Committee (Inuvialuit under IFA)
HTA	Hunters and Trappers Association (Gwich'in and Sahtu)
IDC	Inuvialuit Development Corporation
IGC	Inuvialuit Game Council
IFA	Inuvialuit Final Agreement, 1984
ILA	Inuvialuit Land Administration
ILAC	Inuvialuit Land Administration Commission
IRC	Inuvialuit Regional Corporation
ISR	Inuvialuit Settlement Region
MVEIRB	Mackenzie Valley Environmental Impact Review Board
MVLWB	Mackenzie Valley Land and Water Board
NIRB	Nunavut Impact Review Board
NWT	Northwest Territories
NWTWCB	Northwest Territories Workers Compensation Board
RERC	Regional Environmental Review Committee (DIAND)
RWED	Resources Wildlife and Economic Development (Territorial)
SLWB	Sahtu Land and Water Board
SRRB	Sahtu Renewable Resources Board
TAC	Technical Advisory Council (to the NWT Water Board)
WMAC(NWT)	Wildlife Management Advisory Council - Northwest Territories
WMAC(NS)	Wildlife Management Advisory Council - Yukon North Slope

LIST OF LEGISLATION

GOVERNMENT OF THE NORTHWEST TERRITORIES	
LEGISLATION	RESPONSIBLE DEPARTMENT
<u>Annual Vacation Regulations</u> <u>Wages Regulations</u> <u>Labour Standards Act</u>	Department of Justice Labour Services Section
<u>Fair Practices Act</u>	Department of Justice Fair Practices Office
<u>Apprentices and Tradesmen Act</u> <u>Business Corporations Act</u> <u>Mechanics Lien Act</u> <u>Mechanics Lien Forms Regulations</u> <u>Miners Lien Act</u> <u>Miners Lien Form Regulations</u> <u>Securities Act</u> <u>Securities Regulations</u> <u>Securities Fees Regulations</u>	Department of Justice Legal Registries
<u>Worker's Compensation Act</u>	NWT Workers Compensation Board
<u>Boilers and Pressure Vessels Act</u> <u>Electrical Protection Act</u> <u>Electrical Protection Regulations</u> <u>Explosives Use Act</u> <u>Explosives Regulations</u> <u>Fire Prevention Act</u> <u>Fire Prevention Regulations</u> <u>Gas Protection Act</u> <u>Propane Cylinder Storage Regulations</u> <u>Mine Health and Safety Act</u> <u>Mine Health and Safety Regulations</u> <u>Safety Act</u> <u>General Safety Regulations</u> <u>Work Site Hazardous Materials Information System Regulations</u>	NWT Workers Compensation Board Prevention Services Mine Safety
<u>Environmental Protection Act</u> <u>Spill Contingency Planning and Reporting Regulations</u> <u>Air Quality Guidelines</u> <u>Environmental Rights Act</u> <u>Forest Protection Act</u> <u>Territorial Parks Act</u> <u>Territorial Parks Regulations</u> <u>Wildlife Act</u> <u>Certification and Disposal of Wildlife Regulations</u> <u>Critical Wildlife Areas Regulations</u> <u>Polar Bear Defence Kill Regulations</u>	Resources, Wildlife and Economic Development

GOVERNMENT OF THE NORTHWEST TERRITORIES

LEGISLATION	RESPONSIBLE AGENCY
<u>Motor Vehicles Act</u> <u>Exemption - Motor Vehicles Act</u> <u>Hours of Service Regulations</u> <u>Large Vehicle Control Regulations</u> <u>Motor Vehicle Equipment Regulations</u> <u>Seasonal Highway Regulations</u> <u>Trip Inspection Regulations</u> <u>Transportation of Dangerous Goods Act</u> <u>Transportation of Dangerous Goods Regulations</u>	Department of Transportation Motor Vehicles Section
<u>Payroll Tax, 1993, Act</u> <u>Payroll Tax Regulations</u>	Department of Finance
<u>Public Health Act</u> <u>Camp Sanitation Regulations</u> <u>Medical Care Act</u> <u>Coroner's Act</u> <u>Emergency Medical Aid Act</u>	Department of Health and Social Services
<u>Commissioner's Land Act</u> <u>Commissioner's Land Regulations</u>	Municipal and Community Affairs
<u>Engineering, Geological and Geophysical Professions Act</u>	NWT Association of Professional Engineers, Geologists and Geophysicists
<u>Historical Resources Act</u> <u>Historical Sites Declaration Regulations</u>	Prince of Wales Northern Heritage Centre
<u>Scientists Act</u> <u>Scientists Act Administration Regulations - Western NT</u>	Aurora Research Institute

GOVERNMENT OF CANADA	
LEGISLATION	RESPONSIBLE AGENCY
<u>Arctic Waters Pollution Prevention Act</u> <u>Arctic Waters Shipping Pollution Prevention Regulations</u> <u>Pollutant Substances Regulations</u> <u>Navigable Waters Protection Act</u> <u>Navigable Waters Bridges Regulations</u> <u>Navigable Waters Works Regulations</u>	Coast Guard
<u>Atomic Energy Control Act</u>	Atomic Energy Control Board
<u>Canadian Environmental Assessment Act</u> <u>Law List Regulations</u> <u>Inclusion List Regulations</u> <u>Comprehensive Study List Regulations</u> <u>Exclusion List Regulations</u> <u>Canadian Environmental Protection Act</u>	Canadian Environmental Assessment Agency
<u>Explosives Act</u> <u>Ammonium Nitrate and Fuel Oil Order</u> <u>Explosives Regulations</u> <u>Resources and Technical Surveys Act</u>	Natural Resources Canada
<u>Firearms Act</u>	Justice Canada
<u>Fisheries Act</u> <u>Fishery (General) Regulation</u> <u>Fishways Obstruction Removal Regulations</u> <u>NWT Fishery Regulations</u>	Fisheries and Oceans
<u>Fisheries Act, s. 36(3)</u> <u>Metal Mining and Liquid Effluent Regulations</u>	Environment Canada Environmental Protection Service
<u>Migratory Birds Convention Act, 1994</u> <u>Migratory Bird Sanctuary Regulations</u> <u>Migratory Birds Regulations</u> <u>Canada Wildlife Act</u> <u>Wildlife Area Regulations</u>	Canadian Wildlife Service
<u>Canada Labour Code, Part 1</u> <u>Noise Control Regulations</u> <u>Sanitation Regulations</u> <u>Canada Labour Standards Act</u> <u>Canada Labour Standards Regulations</u> <u>Canada Labour Relations Board Regulations</u> <u>Canada Industrial Relations Regulations</u>	Human Resources and Development Canada Western Region

GOVERNMENT OF CANADA	
LEGISLATION	RESPONSIBLE AGENCY
Investment Canada Regulations Precious Metals Marking Regulations	Industry Canada
<u>Western Arctic Claim Settlement Act</u> <u>Gwich'in Land Claim Settlement Act</u> <u>Indian Mining Regulations</u> <u>Northwest Territories Act</u> <u>Game Declared in Danger of Becoming Extinct</u> <u>Northwest Territories Waters Act</u> <u>Northwest Territories Waters Regulations</u> <u>Nunavut Act</u> <u>Sahtu Dene and Metis Land Claim Settlement Act</u> <u>Territorial Lands Act</u> <u>Canada Mining Regulations</u> <u>Northwest Territories Mining Districts Order</u> <u>Polar Bear Pass Withdrawal Order</u> <u>Territorial Coal Regulations</u> <u>Territorial Dredging Regulations</u> <u>Territorial Land Use Regulations</u> <u>Territorial Lands Act Exclusion Order</u> <u>Territorial Lands Regulations</u> <u>Territorial Quarrying Regulations</u> <u>Withdrawal from Disposal Order (Aulavik (Banks Island) National Park, NWT)</u> <u>Withdrawal from Disposal Order (Bluenose/Tuktut Nogait National Park, NWT)</u>	Indian and Northern Affairs Canada Yellowknife for NWT
<u>Yukon Placer Mining Act</u> <u>Yukon Quartz Mining Act</u> <u>Mining Land Use Regulations</u> <u>Territorial Lands Act</u> <u>Territorial Land Regulations</u> <u>Territorial Land Use Regulations</u> <u>Territorial Coal Regulations</u> <u>Territorial Quarrying Regulations</u> <u>Territorial Dredging Regulations</u> <u>Yukon Timber Regulations</u> <u>Yukon Waters Act and Regulations</u>	Indian and Northern Affairs Canada Whitehorse for Yukon
<u>National Parks Act</u>	Parks Canada
<u>Aeronautics Act</u> <u>Canada Shipping Act</u> <u>Transport Act</u> <u>Public Harbours and Port Facilities Act</u> <u>Bridges Act</u> <u>Government Property Traffic Act</u> <u>Airport Traffic Regulations</u> <u>Transportation of Dangerous Goods Act</u>	Transport Canada
<u>Northwest Territories Archaeological Sites Regulations</u>	Prince of Wales Northern Heritage Centre

Because of the withdrawal of Yukon North Slope lands from disposition, this list does not include the full range of Laws of General Application that would apply to activity in the Yukon part of the ISR.

APPENDIX D

CONTACTS REFERRED TO IN THIS GUIDE

INUVIALUIT ORGANIZATIONS

ORGANIZATION	TITLE	NUMBERS	MAILING ADDRESS
INUVIALUIT BENEFICIARY CORPORATIONS			
Inuvialuit Regional Corporation (IRC)	Chief Operating Officer	Tel: (867) 777-2737 Fax: (867) 777-2135	IRC Box 2120 Inuvik, NT X0E 0T0
Inuvialuit Land Administration (ILA)	Administrator	Tel: (867) 977-2202 Fax: (867) 977-2467 harends@irc.inuvialuit.com	ILA Box 290, Tuktoyaktuk, NT X0E 1C0
Inuvialuit Development Corporation (IDC)	Chairman	Tel: (867) 777-2419 Fax: (867) 777-3256 idc.inuvialuit.com	107 Mackenzie Road Bag 7, Inuvik, NT X0E 0T0
Inuvialuit Game Council (IGC)	Chairman	Tel: (867) 777-2828 Fax: (867) 777-2610 igc-c@jointsec.nt.ca	Inuvialuit Game Council Box 2120, Inuvik, NT X0E 0T0
INUVIALUIT HUNTERS AND TRAPPERS COMMITTEES			
Inuvik Hunters and Trappers Committee	Chairman	Tel: (867) 777-3671 Fax: (867) 777-4422 inu-htc@Inuvialuit.com	Box 1720, Inuvik, NT X0E 0T0
Aklavik Hunters and Trappers Committee	Chairman	Tel: (867) 978-2723 Fax: (867) 978-2661 akt-htc@jointsec.nt.ca	Box 133, Aklavik, NT X0E 0A0
Olokhaktomiut (Holman) Hunters and Trappers Committee	Chairman	Tel: (867) 396-4808 Fax: (867) 396-3025	Box 161, Holman, NT X0E 0S0
Paulatuk Hunters and Trappers Committee	Chairman	Tel: (867) 580-3004 Fax: (867) 580-3404	General Delivery Paulatuk, NT X0E 1N0
Sachs Harbour Hunters and Trappers Committee	Chairman	Tel: (867) 690-3028 Fax: (867) 690-3616	General Delivery Sachs Harbour NT X0E 0Z0
Tuktoyaktuk Hunters & Trappers Committee	Chairman	Tel: (867) 977-2457 Fax: (867) 977-2433	Box 286, Tuktoyaktuk NT X0E 1C0

ORGANIZATION	TITLE	NUMBERS	MAILING ADDRESS
INUVIALUIT COMMUNITY CORPORATIONS			
Aklavik Community Corporation	Corporate Manager	Tel: (867) 978-2414 Fax: (867) 978-2815	Aklavik Community Corp Box 119, Aklavik, NT X0E 0A0
Inuvik Community Corporation	Corporate Manager	Tel: (867) 777-2603 Fax: (867) 777-4422	Inuvik Community Corp Box 1365, Inuvik, NT X0E 0T0
Holman Community Corporation	Corporate Manager	Tel: (867) 396-4701 Fax: (867) 396-3284	Holman Community Corp Box 127, Holman, NT X0E 0S0
Paulatuk Community Corporation	Corporate Manager	Tel: (867) 580-3601 Fax: (867) 580-3508	Paulatuk Community Corporation Gen. Del. Paulatuk, NT X0E 1N0
Sachs Harbour Community Corporation	Corporate Manager	Tel: (867) 690-3025 Fax: (867) 690-4905	Sachs Harbour Community Corporation Box 59, Sachs Harbour, NT X0E 0Z0
Tuktoyaktuk Community Corporation	Corporate Manager	Tel: (867) 977-2390 Fax: (867) 977-2504	Tuktoyaktuk Community Corporation Box 290, Tuktoyaktuk NT X0E 1C0
Holman Community Conservation Committee	Secretary	Tel: (867) 396-4701 Fax: (867) 396-3284	Holman Community Conservation Committee, Box 161 Holman NT X0E 0S0
CO-MANAGEMENT INSTITUTIONS			
Fisheries Joint Management Committee (FJMC)	Chairman	Tel: (867) 777-2828 Fax: (867) 777-2610 fjmc@jointsec.nt.ca	FJMC Box 2120, Inuvik, NT X0E 0T0
Environmental Impact Screening Committee (EISC)	Secretary	Tel: (867) 777-2828 Fax: (867) 777-2610 eisceirb@jointsec.nt.ca	EISC Box 2120, Inuvik, NT X0E 0T0
Environmental Impact Review Board (EIRB)	Secretary	Tel: (867) 777-2828 Fax: (867) 777-2610 eisceirb@jointsec.nt.ca	EIRB Box 2120, Inuvik, NT X0E 0T0
Wildlife Management Advisory Council (WMAC) NWT	Chairman	Tel: (867) 777-2828 Fax: (867) 777-2610 pjusher@istar.ca	WMAC (NWT) Box 2120, Inuvik, NT X0E 0T0
Wildlife Management Advisory Council (North Slope)	Secretary	Tel: (867) 667-4861 Fax: (867) 667-6629 wmacns@web.net nrg@web.net	WMAC (North Slope) Box 5928, Whitehorse, Yukon Y1A 5L9

GOVERNMENT OF CANADA

General Information Number: (800) 667-3355

Web: <http://canada.gc.ca>

ORGANIZATION	CONTACT	NUMBERS	MAILING ADDRESS
DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT			
Department of Indian and Northern Affairs, NWT	Chairman, Regional Environmental Review Committee (RERC)	Tel: (867) 669-2647 Fax (867) 669-2707	DIAND Box 1500, Yellowknife, NT X1A 2R3
	Manager, Land Administration	Tel: (867) 669-2671 Fax (867) 669-2713	Central numbers: Tel: (867) 669-2500 Fax: (867) 669-2709
	Manager, Environment and Conservation	Tel: (867) 669-2589 Fax: (867) 669-2701	Service en francais: 1-800-567-9604
	Manager, Water Management	Tel: (867) 669-2651 Fax (867) 669-2716	
	Manager, Contaminants	Tel: (867) 669-2756 Fax (867) 669-2721	
	Mining Recorder	Tel: (867) 669-2634 Fax (867) 669-2714	
	Engineer of Mines Geological Mapping Mineral Resources	Tel: (867) 669-2636 Fax (867) 669-2725	
	Director, Mineral Resources (Pathfinder Services)	Tel: (867)-669-2571 Fax: (867)-669-2725	
NWT Water Board	Executive Assistant	Tel: (867) 669-2772 Fax: (867) 669-2719	NWT Water Board Box 1500 Yellowknife, NT X1A 2R3
DIAND Inuvik	District Manager North Mackenzie District Northern Affairs Program	Tel: (867) 777-3361 Fax: (867) 777-2090	DIAND Inuvik Office Box 2100, Inuvik, NT X0E 0T0

ORGANIZATION	CONTACT	NUMBERS	ADDRESS
OTHER FEDERAL GOVERNMENT DEPARTMENTS			
Parks Canada	Northern Parks Advisor	Tel: (867) 669-2821 Fax: (867) 669-2829	Parks Canada Box 1166, Yellowknife, NT X1A 2N8
Canadian Wildlife Service	Chief, North Conservation Division	Tel: (867) 669-4760 Fax: (867) 873-8185 kevin.mccormick@ec.gc.ca	Canadian Wildlife Service 301-5294 50 Avenue Yellowknife, NT X1A 1ER
Fisheries and Oceans	Area Habitat Biologist, Western Arctic Region	Tel: (867) 669-4902 Fax: (867) 669-4941	DFO Box 2310 Yellowknife NT X1A 2P7
	Inuvik District Western Arctic Region	Tel: (867) 777-3314 Fax: (867) 777-7501	Fisheries and Oceans Box 1871 Inuvik NT X0E 0T0
Environmental Protection Service, Environment Canada	Manager, Northern Division	Tel: (867) 669-4725 Spill Line: (867) 920-8130	301-5204 50 Avenue Yellowknife NT X1A 1E2
Atomic Energy Control Board	Manager, Uranium Facilities Division	Tel: 1-800-668-5284 Fax: (613) 995-5086	AECB Box 1046 Ottawa ON K1P 5S9
Canadian Coast Guard	Senior Navigable Waters Officer	Tel: (604) 775-8867 Fax: (604) 775-8828	Canadian Coast Guard Navigable Waters 555 West Hastings Street Suite 300 Vancouver BC V6B 5G3
Transport Canada	Western Region (General Reception)	Tel: (204) 983-3152 Fax: (204) 983-5048	Transport Canada Box 8550 344 Edmonton Street Winnipeg MN R3C 0P6
	General Aviation, Western Region	Tel: (204) 983-4341 Fax: (204) 984-2069	
	Regional Director, Surface, Western Region	Tel: (204) 983-2991 Fax: (204) 983-8992	
	Administration, Harbours and Ports	Tel: (604) 666-2607 Fax: (604) 666-2692	Transport Canada Suite 600, 800 Burrard St Vancouver, BC V6Z 2J8
Natural Resources Canada	Director, Office of Environmental Affairs	Tel: (613) 995-3420 Fax: (613) 995-5719	580 Booth Street Ottawa ON K1A 0E4
Canadian Environmental Assessment Agency	Pacific and Northern Region	Tel: (604) 666-2431 Fax: (604) 666-6990	Suite 320 757 West Hastings St. Vancouver, BC V6C 1A1

GOVERNMENT OF THE NORTHWEST TERRITORIES

Main Switchboard Number: (867) 873-7500

ORGANIZATION	CONTACT	NUMBERS	MAILING ADDRESS
Resources, Wildlife and Economic Development (RWED)	Director, Wildlife and Fisheries	Tel: (867) 920-8064	RWED GNWT Box 1320 Yellowknife NT X1A 2L9 Main: (867) 873-7115 Fax: (867) 873-0114
	Director of Pollution Control	Tel: (867) 873-7654	
	Director, Minerals Oil & Gas	Tel: (867) 920-3214	
	Manager, Legislation and Enforcement	Tel: (867) 873-7905 Fax: (867) 873-0563	
	Director Parks and Tourism	Tel: (867) 873-7902 Fax: (867) 873-0163	
	Regional Superintendent Inuvik Region	Tel: (867) 777-7286 Fax: (867) 777-7321	RWED Inuvik Region Bag Service #1 Inuvik NT X0E 0T0
	Manager, Fisheries and Wildlife.	Tel: (867) 777-7320 Fax: (867) 777-7321	
	Supervisor, Wildlife Management	Tel: (867) 777-7305	
	Director, Forest Management	Tel: (867) 872-7700 Fax: (867) 872-2077	Forest Fire Centre Box 7 Fort Smith NT X0E 0P0
	Forest Fire Emergency Officer	Tel: (867) 777-3333	RWED Inuvik Region Bag Service #1 Inuvik NT X0E 0T0
Prince of Wales Northern Heritage Centre	Senior Archaeologist	Tel: (867) 873-7551 Fax: (867)-0205	Prince of Wales Northern Heritage Centre Box 1320 Yellowknife NT X1A 2L9
Municipal and Community Affairs	Senior Environmental Planner Community Operations	Tel: (867) 920-8038 Fax: (867) 920-6343 mdavy@maca.gov.nt.ca	MACA, GNWT Box 1320 Yellowknife NT X1A 2L9
	Senior Lands Officer Inuvik Regional Office	Tel: (867) 777-7362 Fax: (867) 777-7352	MACA Bag Service #1 Inuvik NT X0E 0T0
	Community Planner Norman Wells Area Office	Tel: (867) 587-2440 Fax: (867) 587-2044	MACA, Box 10 Norman Wells NT X0E 0V0

ORGANIZATION	CONTACT	NUMBERS	MAILING ADDRESS
Aurora Research Institute Science Institute West	Science Licensing Officer	Tel: (867) 777-4029 Fax: (867) 777-4624	Aurora Research Institute P.O. Box 1450 Inuvik X0E 0T0
Northwest Territories Workers Compensation Board	Assistant Director, Revenue	Tel: (867) 920-3888	NWT WCB Box 8888 Yellowknife NT X1A 2R3 Main: (867)920-3888 1-800-661-0792 Fax: (867)873-4596
	Chief Inspector of Mines	Tel: (867) 920-3888	
	Chief Industrial Safety Officer	Tel: (867) 920-3888	
Department of Justice	Labour Services Board	Tel: (867) 873-7486	GNWT Box 1320 Yellowknife NT X1A 2L9
Municipal and Community Affairs	Fire Marshall	Tel: (867) 920-7469 Fax: (867) 873-0260	
Department of Health and Social Services	Chief Medical Officer	Tel: (867) 920-3231 Fax: (867) 873-0442	
Legal Registry Department of Justice	Registrar of Corporations	Tel: (867) 873-7492	

GOVERNMENT CONTACTS IN YUKON TERRITORY

ORGANIZATION	CONTACT	NUMBERS	MAILING ADDRESS
DIAND Yukon	Director Mineral Resources	Tel: (867) 667 3126	DIAND Yukon 345-300 Main St Whitehorse, Yukon, Y1A 2B5 Main Numbers: Tel. (867) 667-3161/3232 Fax (867) 667-3214
	Chief Mining Land Use	Tel: (867) 667-3172	
	Director Development Assessment Process	Tel: (867) 667-3175	
	Regional Manager Land Resources	Tel: (867) 667-3170	
	Regional Manager Water Resources	Tel: (867) 667-3145	
	Resource Management Officer	Tel: (867) 993-5648 Fax: (867) 993-6233	DIAND Box 279, Dawson City, Yukon Y0B 1G0
	District Mining Recorder	Tel: (867) 993-5343 Fax: (867) 993-6747	
Yukon Territory Water Board	Chairman	Tel: (867) 667-3980 Fax: (867) 668-3628	Yukon Territory Water Board, 419 Range Road, Whitehorse, Yukon Y1A 3V1
Yukon Territory Department of Renewable Resources		Tel: (867) 667-5652 Fax: (867) 393-6219	Department of Renewable Resources Box 2703, Whitehorse, Yukon Y1A 2C6

OTHER CONTACTS

ORGANIZATION	CONTACT	NUMBERS	MAILING ADDRESS
Gwich'in Renewable Resources Board	Executive Director	Tel: (867) 777-3428 Fax: (867) 777-4260	GRRB 105 Distributor Street Inuvik, NT X0E 0T0
Sahtu Renewable Resources Board	Executive Director	Tel: (867) 588-4040 Fax: (867) 588-3324	SRRB Box 134 Tulita NT X0E 0K0
Nunavut Impact Review Board	Secretary	Tel: (867) 983-2593 Fax: (867) 983-2594	NIRB Box 2379 Cambridge Bay (Ikaluktutiak) Nunavut Territory X0E 0C0
Mackenzie Valley Environmental Impact Review Board	Executive Director	Tel: (867) 873-9636 Fax: (867) 920-4671 E-mail: mveirwg@internorth.com Website: http://users.internorth.com/~mveirwg	MVEIRB Box 938 Yellowknife NT X1A 2N7
Mackenzie Valley Land and Water Board	Executive Director	Tel: (867) 669-0506 Fax: (867) 873-6610	MVLWB Working Group Box 2130 Yellowknife NT X1A 2P6