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## Chapter 8 LAWS OF GENERAL APPLICATION

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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.

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### 8.1 Corporate Registration

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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.

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#### 8.1.1 *Business Corporations Act (NWT)*

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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)

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### **8.1.2            *Workers Compensation Act (NWT)***

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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)

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### **8.1.3            *Mine Health and Safety Act: Notification Requirement***

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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

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## **8.2                Access Restrictions: Protected Areas**

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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.

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## **8.3                Research Authorizations**

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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.

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### **8.3.1            *Scientists Act (NWT)***

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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)

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

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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

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

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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)

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## **8.4 Use of Waters**

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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**”.

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

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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.)

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## 8.4.2 *Fisheries Act and Regulations*

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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

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### **8.4.3 Arctic Waters Pollution Prevention Act**

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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

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### **8.4.4 Navigable Waters Protection Act**

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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”

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## 8.5 Environmental Protection

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### 8.5.1 *Canadian Environmental Assessment Act*

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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

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### 8.5.2 *Spills and Leakages: Canadian Environmental Protection Act*

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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)

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### **8.5.3 Toxic Waste: Transportation of Dangerous Goods**

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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

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## **8.6 Requirements Specific to Activities**

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### **8.6.1 Airborne Geophysical: Migratory Bird Convention Act**

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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

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### **8.6.2            *Blasting, Drilling or Trenching***

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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

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### **8.6.3            *Use of Explosives***

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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

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

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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)

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### **8.6.5 Fuel Storage and Fire Prevention**

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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

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### **8.6.6 Sanitation for Field Camps: Public Health Act**

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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

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### **8.6.7 Campsite Protection against Bear Attacks**

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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

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## **8.7 Safety: Mine Health and Safety Act (NWT)**

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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)

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## 8.8 Mine Labour

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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)

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## 8.9 Transportation

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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)

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## 8.10 Atomic Energy Control Act

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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.

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## **9.1 Federal Crown Lands**

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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.

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## 9.2 Role for the Inuvialuit on Federal Crown Lands

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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.

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## 9.3 Mineral Rights and Land Use Permits

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### 9.3.1 *Issuance of Mineral Rights on Crown Lands*

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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

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### 9.3.2

### ***Land Use Authorizations on Crown Lands***

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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](#)

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## 9.4 Federal Guidelines for Land and Water Use

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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.

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### 9.4.1 Guidelines Available from DIAND Land Administration

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- *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

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### 9.4.2 Guidelines Available from the NWT Water Board

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- *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.

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### 9.5.1 Requirements for Mineral Exploration

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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.

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## **9.5.2 Corporate Registration and Notification**

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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.

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## **9.6 Stage 2: Regional Exploration Above Threshold**

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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.

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## **9.6.1 Requirements For Mineral Exploration**

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### ***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.

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## **9.6.2 Corporate Registration and Notification**

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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.

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## **9.6.3 Authorizations for Land Use**

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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

<b>TABLE 9.0</b>
<b>REGIONAL MINERAL EXPLORATION SURVEYS</b>
<b>REQUIREMENTS ON FEDERAL CROWN LANDS IN THE ISR</b>

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

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## 9.7 Stage 3: Mineral Rights Acquisition

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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.

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### 9.7.1 Legislation and Regulation

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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.

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### 9.7.2 Three Ways to Acquire A Claim on Crown Land

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#### ***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

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

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

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## **9.8 Stage 4: PRIMARY MINERAL EXPLORATION**

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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.

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### **9.8.1 Mineral Rights and Work Assessment Eligibility**

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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](#)

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### **9.8.2 Land Use Authorizations**

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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

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### **9.8.3**                    ***Diamond Drilling***

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Except where identified as rotary, percussion 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

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### **9.8.4**                    ***Line Cutting***

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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

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## **9.8.5                    *Application for a Water Licence***

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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**

<b>TOPIC</b>	<b>REQUIREMENT</b>	<b>LEGISLATION</b>
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>
<b>LAWS OF GENERAL APPLICATION</b>		
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).

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### **9.9.1 *Land Use Authorizations***

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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](#)

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## **9.9.2 Application for a Water Licence**

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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**

<b>TOPIC</b>	<b>REQUIREMENT</b>	<b>LEGISLATION</b>
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>
<b>LAWS OF GENERAL APPLICATION</b>		
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.

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### 9.10.1 Land Use Authorizations

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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

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### 9.10.2 Environmental Screening and Review

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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

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### **9.10.3 Application for a Water Licence**

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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>

## 9.11 STAGE 7: MINE OR SITE CLOSURE

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.

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### 9.11.1 *Requirements in the Land Use Authorization*

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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](#)

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### **9.11.2 Requirements in the Water Licence**

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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)

<b>TABLE 9.5</b>
<b>Stage 7: MINE OR SITE CLOSURE</b>
<b>REQUIREMENTS ON FEDERAL CROWN LANDS IN THE ISR</b>

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>

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## Chapter 10 DOING WORK ON COMMISSIONER'S LANDS

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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.

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### 10.1 Mineral Rights Disposition

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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](#)

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### 10.2 Land Use Authorizations

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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

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## 10.3 Water Use and Other Laws of General Application

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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.

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## Chapter 11 THE YUKON NORTH SLOPE

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### 11.1 Yukon North Slope in the IFA

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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.

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### 11.2 East of the Babbage River

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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

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## Chapter 12      TRANS-BOUNDARY AND OVERLAP ISSUES

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### 12.1      Trans-Boundary Considerations in the IFA

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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

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### 12.2      Gwich'in Private Lands within the ISR

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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.

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## 12.3 Nunavut Territory

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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

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## 12.4 Mackenzie Valley Resource Management Act

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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

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## 12.5 Canadian Environmental Assessment Act

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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.

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## Chapter 13      WHAT'S NEXT?

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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.

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### 13.1      Revisions to the ILA Rules and Procedures

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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

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### 13.2      1995 Mineral Prospecting Agreement

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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

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### 13.3      Caribou Protection Measures

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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.

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## **13.4 Successor to the NWT Water Board**

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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

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## **13.5 New Land Use Guidelines in Preparation**

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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

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## Chapter 14      A “BEST PRACTICES” APPROACH

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### 14.1            The Importance of Consultation

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#### 14.1.1        *The Inuvialuit Interests*

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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.

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#### 14.1.2        *The Mineral Operator’s Interest*

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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.

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## **14.2 Limits to Corporate Resources**

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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.

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## 14.3 What Does Effective Consultation Require?

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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.

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## 14.4 Applying for Authorizations: Start Early

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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.