A Mineral Resources Act for the Northwest Territories
Unlocking Our Potential Together

Presentation to the Standing Committee on Economic Development and Environment
October 19, 2017

Government of Northwest Territories

Gouvernement des Territoires du Nord-Ouest
The MRA will be Designed to:

✓ Meet the Northwest Territories’ unique needs
✓ Respect the rights and traditions of Indigenous peoples
✓ Increase investment in the mining sector
✓ Promote a sustainable and diversified economy
✓ Protect the natural environment
The MRA will contain rules that apply to different stages of mineral development.
The MRA Will Be One of Many Laws that Regulate Mineral Development

Aboriginal, treaty and land claim rights

- Aboriginal historic and modern treaties
- Land claim and self-government agreements
- Aboriginal rights under the Constitution

Federal Laws

- Mackenzie Valley Resources Management Act
- Fisheries Act
- Species at Risk Act

Territorial Laws

- Waters Act
- NWT Lands Act
- Mine Health and Safety Act
- Mining Regulations → to be replaced by the MRA
The MRA will cover different areas of mineral development—but there is overlap

**MRA**
- Rights to explore and mine
- Rules for *locating* and *maintaining* mineral tenure (subsurface rights)
- Reporting on mineral types and locations

**Areas of Overlap**
- Engagement and Consultation requirements
- Access to land
- Benefits

**Other Laws**
- Permits for land and water use to protect the environment
- Potential effects of a project to:
  - People (culture, social, economic)
  - Environment—fish, wildlife, land, water, air
  - Land use planning
  - Health and safety
MRA Process

1. Initial Scoping (Complete)
2. Public Engagement (Underway) 
   continues through Dec. 2017
3. Development of a draft Act – *based on input from engagement, approx. Summer 2018*
4. Section 35 Consultation – *approx. Fall 2018*
5. Introduction to passage of Act by the Legislative Assembly – *early 2019*
6. Implementation
MRA Process: Key Documents

1. Research and preliminary scoping
2. Discussion Paper
3. What We Heard Report
4. Key Policy Considerations Paper
5. Legislative Proposal
6. Drafting Instructions
7. Draft Bill
Public Engagement

• Methods to engage are widely accessible and support the commitment to Open Government

• In person events took place in Fort Smith, Fort Simpson, Hay River, Inuvik, Norman Wells, Behchokò and Yellowknife (French and English)

• Targeted sessions were held with the City of Yellowknife, NWT and Nunavut Chamber of Mines, NWT Regulatory Boards, and Environmental Non-Government Organizations

• Our online engagement site is one of the most comprehensive ever used by the GNWT
Stats

- Engagement Portal Visits: 1750+
- Discussion Forum Comments: 20
- Registered Site Users: 33
- Surveys Completed: 78
- Community Session Participants: 254
- Meeting Participants: 54
What We Heard Report

• Analyze feedback from engagement
• Identify key themes and critical points
• Compile and present for public information
What We Heard Report
- Key Themes Heard

• The benefits of mining—especially jobs and economic growth—need to be experienced by local communities
• Taxes and royalties should be high enough to ensure that the NWT benefits and can address the impacts of mining, but not so high that they prohibit mining
• Clarity and certainty regarding early engagement, consultation, and negotiation of benefit agreements is needed
• Mines should be prevented from being abandoned and left for GNWT to clean up – protecting the environment is a high concern for NWT residents
• Tenure and approval processes should not become more complex or cost-prohibitive
• New rules should not disadvantage smaller companies
• Inspections and monitoring should be effective and enforceable
• Greater public access to geological information is needed
• Different pieces of legislation, and different governmental bodies need to work together
Areas of Discussion

• Access to Land

• Responsibly Managing Industry

• Maximizing Benefits

• Working Together
Access to Land

• To be effective, the MRA must create a clear process for obtaining exploration rights and access to land

• Currently:
  • Free-entry claim staking system (with land restrictions)
  • Explorers must physically stake claims
Access to Land in Mineral Exploration and Mining – Discussion Questions

1. What are your thoughts about managing land access for mineral exploration and mining?

2. Any thoughts on the introduction of online map staking for prospectors?
Responsibly Managing Industry

• The MRA will contain many rules for managing industry, including, for example:
  ▪ The requirements for obtaining, maintaining, and transferring prospecting permits, mineral claims, and mineral leases
  ▪ how industry activities will be monitored
  ▪ how to support environmental protection
Responsibly Managing Industry – Discussion Questions

1. What are your suggestions for improving how we manage the minerals industry?

2. Are there gaps in other laws that the MRA could address?

3. What are your thoughts on how rules are enforced?
Maximizing Benefits

• Mineral development should maximize benefits to all NWT residents
• Currently, this is done through:
  ▪ royalties
  ▪ fees and rents
  ▪ benefit agreements negotiated by both public and Indigenous governments (i.e., socio-economic agreements (SEA) and impact benefit agreements (IBA))
Maximizing Benefits – Discussion Questions

1. Should the MRA address benefit agreements (such as SEAs, IBAs) in some way? If so, how?

2. Should the GNWT be involved in the IBA process? To what extent?

3. Should the GNWT consider providing incentives to industry?
Working Together

- Mining and exploration are built on relationships between people, government, and industry.
- Our new Act could improve how these relationships are built and maintained by, for example:
  - Clarifying expectations and processes for engagement and consultation with Indigenous partners
  - Clarifying the responsibilities of industry and government and making sure there are ways to hold everyone to those responsibilities
Working Together – Discussion Questions

1. How can the MRA promote dialogue and shared expectations between proponents and Indigenous peoples?

2. What information with respect to exploration and mining should be made public to enhance transparency?
Other Ideas, Questions, Comments?
Thank You!

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