

# **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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