



# MINERAL RESOURCES ACT

## What We Heard Report

### KEY ELEMENTS



LAND ACCESS IN  
MINERAL EXPLORATION  
AND MINING



ONLINE MAP STAKING



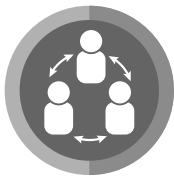
MINERAL TENURE



REHABILITATION  
AND CLOSURE



INDIGENOUS  
ENGAGEMENT AND  
CONSULTATION



SOCIO-ECONOMIC  
BENEFITS



REVENUES



INSPECTIONS,  
MONITORING,  
AND AUDITING



TRANSPARENCY, PUBLIC  
ACCOUNTABILITY, AND  
MINISTERIAL AUTHORITY

If you would like this information in another official language, call us.  
English

Si vous voulez ces informations dans une autre langue officielle, contactez-nous.  
French

Kīspin ki nitawihītīn ē nihīyawihk ōma ācimōwin, tipwāsinān.  
Cree

Ṯẖcẖq yatī k'èè. Dī wegodī newq dè, gots'o gonede.  
Ṯẖcẖq

ʔeriẖṯ'is Dēne Sų́nė yatī t'a huts'elkēr xa beyáyatī theʔa ʔat'e, nuwe ts'ēn yófti.  
Chipewyan

Edī gondī dehgháḥ got'je zhatie k'ė́ė́ edatl'éh enahddhę nide naxets'ė́ edahhí.  
South Slavey

K'áhshó got'jne xəðə k'ė́ hederī ʔediẖṯ'é yerinwę nide dúle.  
North Slavey

Jii gwandak izhii ginjlk vat'atr'ijahch'uu zhit yinothan jì', diits'at ginohkhii.  
Gwich'in

Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.  
Inuvialuktun

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Inuktitut

Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.  
Inuinnaqtun

Aboriginal Languages Secretariat: 867-767-9346 ext. 71037  
Francophone Affairs Secretariat: 867-767-9343



# Table of Contents

---

- Executive Summary ..... 4
  - Summary of Engagement Process ..... 4
  - What We Heard: Key Themes for the MRA ..... 6
  - Step 3: Development of a Draft Act — Identifying the Key Elements ..... 6
  
- Sommaire ..... 7
  - Résumé du processus de participation du public ..... 7
  - Commentaires reçus : les principaux thèmes du projet de loi ..... 9
  
- Background ..... 11
  - Guiding Principles..... 11
  - Step 2: Public Engagement ..... 12
  - Public Engagement vs. Consultation..... 12
  - Participation in the Public Engagement Process ..... 13
  - Engagement Activity..... 15
  - Engage MRA Website Visitors Summary ..... 16
  - Comments on Engagement Process ..... 17
  
- What We Heard ..... 18
  - Land Access in Mineral Exploration and Mining..... 19
  - Online Map Staking ..... 20
  - Mineral Tenure ..... 21
  - Rehabilitation and Closure ..... 22
  - Indigenous Engagement and Consultation ..... 23
  - Socio-Economic Benefits ..... 24
  - Revenues ..... 26
  - Inspections, Monitoring, and Auditing ..... 27
  - Transparency, Public Accountability, and Ministerial Authority ..... 28
  
- Step 3: Development of a Draft Act — Identifying the Key Elements ..... 29
  
- Appendix A: Drop-In Meeting Schedule & Detailed Engagement Statistics ..... 31
  
- Appendix B: List of Organizations/Entities Providing Submissions ..... 32

# Executive Summary

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*“We need a truly made-in-the-Northwest Territories approach to mining development, one that doesn’t repeat the mistakes of the historical approaches to mining development.”*

*“We need all to work together, governments, communities, people.”*

## Summary of Engagement Process

The Government of the Northwest Territories (GNWT) is developing a new, leading-edge, made-in-the-NWT Mineral Resources Act (MRA) to meet the unique needs of the NWT; increase investment in the exploration and mining sector; promote a sustainable and diversified economy; respect the rights and traditions of Indigenous peoples; protect the natural environment; provide benefits from mineral resources to the NWT; and enhance public geoscience knowledge of the NWT.

As part of developing the legislation, GNWT conducted 120 days of public engagement across the NWT on the MRA from August 1, 2017 through December 1, 2017. This document summarizes what we heard from a wide range of participants: the public, Indigenous governments and organizations, industry, municipalities, regulatory authorities, civil society, non-governmental organizations (NGOs), and others.

The public engagement process included **community “drop-in” events** held in Fort Smith, Fort Simpson, Hay River, Inuvik, Norman Wells, Behchokq, and Yellowknife. The Yellowknife drop-in events were held in French and English. These events were opportunities for anyone interested in the MRA to speak to a GNWT representative or subject matter expert about any concerns, questions, comments, or recommendations regarding the MRA.

The process also included **small-group meetings held by request** with municipalities, industry, regulatory boards, and NGOs. GNWT solicited and received comments in person and via **comment cards, email, phone, surveys**, the **MRA engagement website, Twitter** and **Facebook**.

It is important to note that public engagement, through the actions noted above and described in this report, differs from Consultation. Consultation with Indigenous governments, as required by Section 35 of the *Constitution Act* will still occur before a bill is introduced in the Legislative Assembly.

Feedback was organized and analyzed using nine discussion topics:

- Land access in prospecting and exploration
- Mineral tenure
- Indigenous engagement and consultation
- Revenues
- Socio-economic benefits
- Transparency, public accountability and ministerial authority
- Online map staking
- Inspections, monitoring and auditing
- Rehabilitation and closure

The six steps of the MRA process and their timelines are outlined below.

**1**

## **Initial Scoping**

Research and scoping with stakeholders and experts to set the stage for the project.

**2**

## **Public Engagement**

Collecting input from Indigenous governments and organizations, industry, other stakeholders, and the public.

**3**

## **Development of a Draft Act**

Based on input from engagement. Proposed for completion Summer 2018.

**4**

## **Section 35 Consultation**

Consultation on potential impact to Aboriginal or treaty rights. Proposed for fall 2018.

**5**

## **Introduction to Passage**

The Bill will be introduced and debated in the legislative assembly. Proposed for completion fall 2019.

**6**

## **Implementation**

Once Bill is passed, steps will be taken to implement the Act including developing supporting regulations, training materials, and public awareness content.

## What We Heard: Key Themes for the MRA

- The Northwest Territories needs jobs and economic growth.
- The benefits of mining—including jobs and economic growth—need to be experienced by local communities in the Northwest Territories; this requires ongoing capacity building, education, and social programs, and capturing economic benefits on a local level.
- The Act could promote greater transparency.
- Protecting wildlife, the environment, and other natural resources is valuable to people in the Northwest Territories.
- It is important that the Act do as much as possible so that mines are not abandoned and left for GNWT to clean up. The Act should support requirements for remediation and mine closure, and ensure adequate financial assurance for mine closure.

## Step 3: Development of a Draft Act —Identifying the Key Elements

What we heard from public engagement, together with the results of the GNWT's preliminary scoping exercise, cross-jurisdictional reviews, and extensive policy research will now guide and inform the creation of a new Mineral Resources Act for the NWT.

Taking into account all of these inputs, the GNWT has concluded that the NWT's new legislation should:

- Promote exploration activities;
- Encourage early and meaningful engagement between mining proponents and impacted communities;
- Allow the reasonable level of flexibility required in a unique, made-for-the-North mining regime, including the use of incentives to encourage best practices;
- Be capable of evolving to meet future needs and to reflect future technological and social expectations;
- Protect the wealth of the NWT, including its peoples, cultures, environment, and resources.
- Ensure benefits from resource development accrue to Northerners and Northern communities.

# Sommaire

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« *Nous avons besoin d'une approche résolument ténosé pour l'exploitation minière, d'une approche qui ne répétera pas les erreurs des autres approches tentées par le passé.* »

« *Nous devons tous travailler ensemble – les gouvernements, les collectivités et les résidents.* »

## Résumé du processus de participation du public

Le gouvernement des Territoires du Nord-Ouest (GTNO) prépare une nouvelle loi novatrice sur les ressources minérales pour répondre aux besoins particuliers des TNO. Ce projet de loi vise notamment à accroître les investissements dans l'exploration et l'exploitation minières, à favoriser une économie durable et diversifiée, à respecter les droits et les traditions des peuples autochtones, à protéger l'environnement naturel, à faire en sorte que les TNO tirent parti des ressources minérales et à enrichir les connaissances géoscientifiques des Ténosé.

Dans le cadre de l'élaboration de ce projet de loi, le GTNO a procédé pendant 120 jours à un processus de participation du public, lequel s'est déroulé sur tout le territoire du 1er août au 1er décembre 2017. Le présent document résume les propos d'une vaste gamme de participants, issus notamment du grand public, des gouvernements et organismes autochtones, de l'industrie, des municipalités, des organismes de réglementation et de différents organismes non gouvernementaux (ONG).

Ce processus prévoyait la tenue d'événements ouverts à tous à Fort Smith, Fort Simpson, Hay River, Inuvik, Norman Wells, Behchok et Yellowknife. Ceux de Yellowknife se sont déroulés en français et en anglais. Ces événements donnaient l'occasion à tout un chacun de parler à un représentant du GTNO ou à un expert, et de faire part de toute réserve, question ou recommandation à propos du projet de loi.

Le processus incluait aussi des **rencontres en petits groupes tenues sur demande** avec des représentants des gouvernements et organismes autochtones, des municipalités, de l'industrie, des organismes de réglementations et des ONG. Le GTNO a sollicité et reçu des commentaires **en personne, par courriel, par téléphone, par l'intermédiaire de cartes de commentaires, de sondages et du site Web consacré au processus de participation du public, ainsi que sur Twitter et Facebook.**

Les commentaires ont été analysés et organisés en neuf sujets de discussion :

- Accès au territoire aux fins de prospection et d'exploration
- Titres miniers
- Consultation et mobilisation des Autochtones
- Revenus
- Retombées socioéconomiques
- Transparence, responsabilité publique et pouvoir ministériel
- Jalonnement en ligne
- Inspection, surveillance et audit
- Réhabilitation et fermeture

Les six étapes du processus de participation du public sont décrites plus bas.

**1**

## Évaluation initiale

Effectuer des recherches et établir des objectifs avec les parties intéressées et les experts afin de jeter les bases du projet.

**2**

## Participation du public

Recueillir le point de vue des gouvernements et organisations autochtones, des acteurs de l'industrie, d'autres parties intéressées et du public.

**3**

## Élaboration d'un projet de loi

Pour ce faire, s'appuyer sur les commentaires issus de la consultation du public. Cette étape devrait être terminée à l'été 2018.

**4**

## Consultations en vertu de l'article 35

Mener des consultations sur les répercussions possibles pour les populations autochtones ou les droits prévus dans les traités. Cette étape devrait être terminée à l'automne 2018.

**5**

## De l'introduction à l'adoption

Le projet de loi sera présenté et débattu à l'Assemblée législative. Cette étape devrait être terminée au printemps 2019.

**6**

## Application

Une fois que le projet de loi sera adopté, des mesures seront prises pour appliquer la loi, dont l'élaboration de règlements connexes, de documents de formation et de ressources de sensibilisation pour le public.



## Commentaires reçus : les principaux thèmes du projet de loi

- Les Territoires du Nord-Ouest ont besoin de créer des emplois et de stimuler l'économie.
- Les retombées de l'exploitation minière – dont la création d'emplois et la croissance économique – doivent profiter aux collectivités ténosées. Ceci requiert des efforts continus en matière d'éducation, de programmes sociaux et de renforcement des capacités, et il faut veiller à ce qu'il y ait des retombées économiques positives au niveau local.
- La loi pourrait susciter davantage de transparence.
- Les Ténos ont à cœur la protection de la faune, de l'environnement et des autres ressources naturelles.
- Une des priorités devrait être que le GTNO ne se retrouve pas à devoir s'occuper de mines abandonnées. La loi devrait renforcer les exigences en matière d'assainissement et de fermeture des mines, et prévoir des garanties financières suffisantes en cas de fermeture.

Les commentaires du public, ajoutés aux résultats des autres démarches du GTNO (évaluation préliminaire de la portée, études intergouvernementales et importantes recherches en matière de politiques), orienteront la création de la nouvelle loi sur les ressources minérales des TNO.

En tenant compte de toutes ces contributions, le GTNO a conclu que la nouvelle loi ténosée devrait :

- favoriser les activités d'exploration;
- encourager une collaboration significative, dès le début des projets, entre les promoteurs miniers et les collectivités concernées;
- permettre une certaine souplesse dans un régime d'exploitation créé sur mesure pour le Nord, incluant des mesures incitatives pour l'adoption de pratiques exemplaires;
- pouvoir évoluer de manière à toujours être au diapason des besoins, des attentes sociales et des exigences technologiques;
- protéger toute la richesse des TNO – ses résidents, ses cultures, ses ressources et son environnement.



# Background

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The Government of the Northwest Territories (GNWT) is developing the first ever made-in-the-Northwest Territories (NWT) mining and exploration legislation: the Mineral Resources Act (MRA).

## Guiding Principles

The MRA will be designed to:

- Respond to the unique needs of the NWT
- Increase investment in the mining sector
- Promote a sustainable and diversified economy
- Respect the rights and traditions of Indigenous peoples
- Protect the natural environment
- Provide benefits from mineral resources to the NWT
- Enhance public geoscience knowledge of the NWT

This document summarizes what we heard from a wide range of participants across the NWT throughout Step Two: Public Engagement, then identifies key elements for the MRA based on these inputs, together with the results of the GNWT's preliminary scoping exercise, cross-jurisdictional reviews, and extensive policy research.



## Step 2: Public Engagement

### PUBLIC ENGAGEMENT INCLUDED:

- **Community “drop-in” events** held in Fort Smith, Fort Simpson, Hay River, Inuvik, Norman Wells, Behchokq, and Yellowknife, with Yellowknife events held in French and English. A **Discussion Paper** and **background materials** were made available to participants. Maps and other visuals were provided to generate conversation. Participants could speak with GNWT representatives or subject matter experts, submit **comment cards**, complete **surveys** in hard copy or online, brainstorm comments on flip charts, or take a **post card** to mail in comments at a later date. Cards were provided with the Engage MRA website and included an email address for those who preferred to submit comments via **email**. Participants were encouraged to engage using any or all methods.
- **Small-group meetings** with municipalities, industry, regulatory boards, non-governmental organizations (NGOs), and others were opportunities to discuss issues of concern to a particular group. Participants often came to these small group meetings with diverse perspectives and a wide range of experience. This enhanced opportunities to build understanding of challenges and opportunities, and discuss possible MRA options.
- The **Engage MRA website** was an interactive site which provided access to MRA documents, updates, and timelines; a **discussion forum, online survey, news feed, comments board, and Q&A page**; and links to access GNWT social media pages and contact details.
- **Further outreach** took place by **email, fax, mail, phone, blog posts, Twitter, Facebook, advertisements across all locally-relevant platforms, posters, and other media**.

## Public Engagement vs. Consultation

It is important to note that public engagement through the actions noted above and described in this report, differs from Consultation. Consultation with Indigenous governments under Section 35 of the *Constitution Act* involves mandatory discussions on the draft bill before it is introduced in the Legislative Assembly.

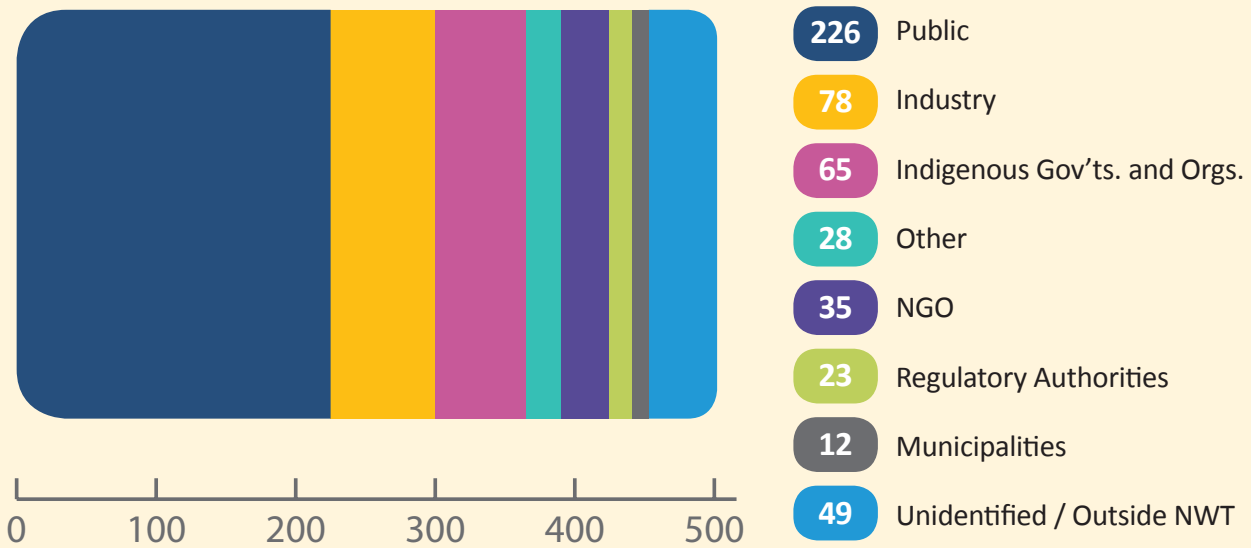
Consultation protects the rights of Indigenous NWT residents by ensuring that Aboriginal and Treaty rights are protected in the final legislation. This process will be completed in addition to public engagement.

# Participation in the Public Engagement Process



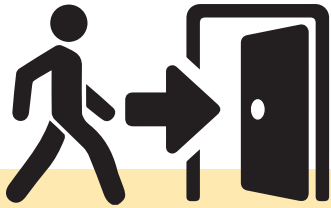
516

Submissions were received from all Stakeholders during the Public Engagement Process



\*Unidentified / Outside NWT = stakeholders who chose not to identify, were from outside NWT, or were generally unidentified.

\*Indigenous Gov'ts. and Orgs. = Indigenous Governments and Organizations



## Drop-in Sessions



**264**  
STAKEHOLDERS  
PARTICIPATED

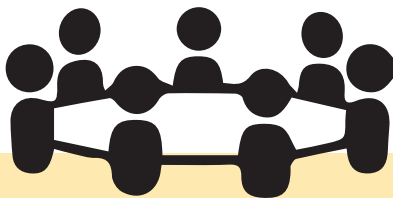


**187**  
SUBMISSIONS  
RECEIVED



0 50 100 150 200  
SUBMISSIONS

- 106** Public
- 33** Industry
- 11** NGO
- 18** Indigenous Gov'ts. and Orgs.
- 12** Other
- 5** Municipalities
- 2** Unidentified / Outside NWT



## Small-Group Meetings



**46**  
STAKEHOLDERS  
PARTICIPATED



**9**  
SUBMISSIONS  
RECEIVED

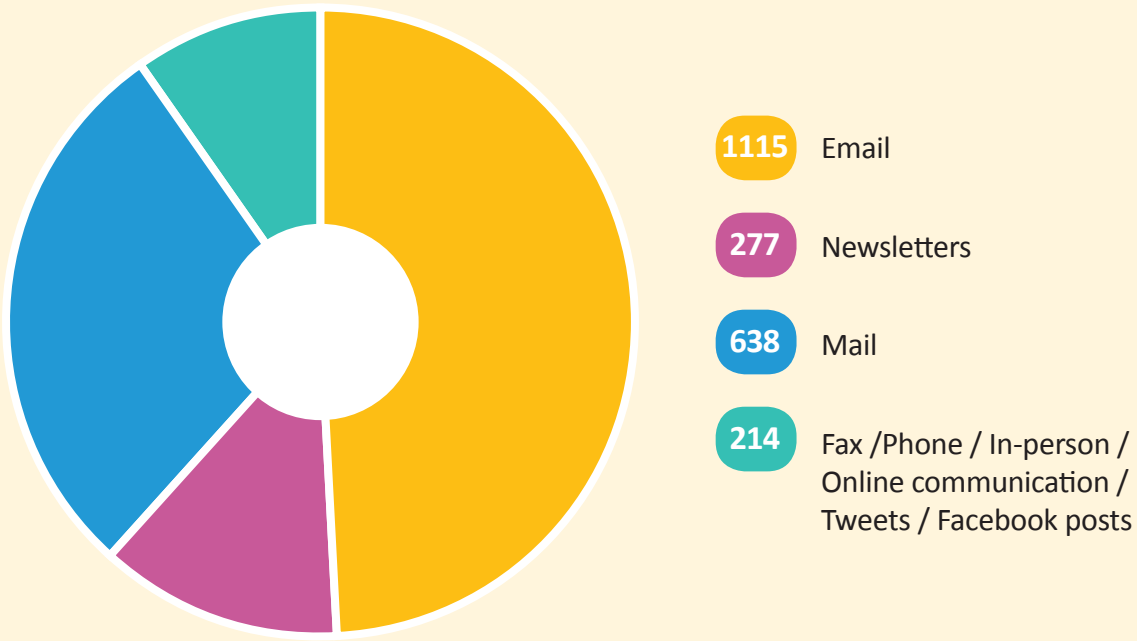


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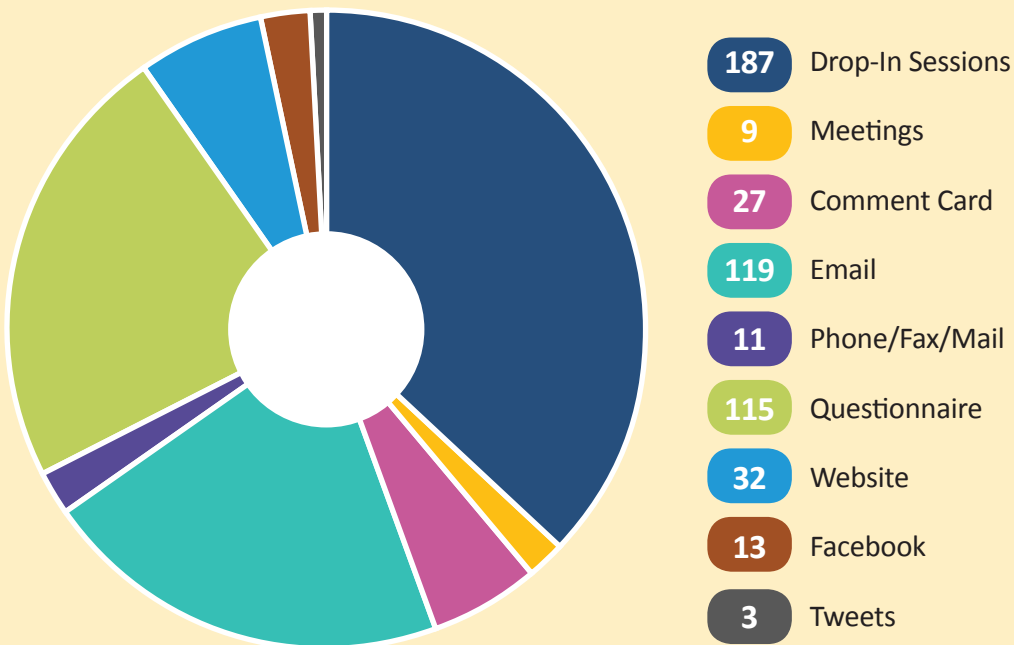
- 5** Indigenous Gov'ts. and Orgs.
- 1** Industry
- 1** Municipalities
- 1** NGO
- 1** Regulatory Authorities

# Engagement Activity

## Outgoing Engagement Activity - 2244 total



## Incoming Submissions by Method - 516 total



## Engage MRA Website Visitors Summary



**2,737**  
Website Visitors



**198**  
Newsletter Subscriptions



**1,320**  
Downloaded Documents



## Comments on Engagement Process

Feedback on the MRA engagement process itself was collected using all techniques mentioned. While it will not contribute to legislation, this will help gauge how the GNWT did at engaging with Indigenous governments and organizations, stakeholders, and members of the public, and provide valuable lessons for future engagements.

Below are prominent sentiments expressed by participants on the MRA engagement process.

- Participants widely expressed appreciation for GNWT coming into communities and engaging in discussions, and found this to be useful and productive.
- Participants from across sectors requested more information on how other jurisdictions address key topics related to the MRA.
- Several representatives of Indigenous governments and organizations and public participants commented that the Discussion Paper and other engagement materials were too technical and should be presented in a more visual, plain language format.
- Some representatives of Indigenous governments and organizations and the public commented that greater capacity and resources are needed to effectively engage on the MRA.
- Several members of the public expressed pride in the Devolution process and in working towards a Mineral Resource Act for the NWT—noting the need to develop a “uniquely Northern” Act.

# What We Heard

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This section will present a short summary of what we heard on each of the Discussion Paper topics below.



LAND ACCESS IN  
MINERAL EXPLORATION  
AND MINING



ONLINE MAP STAKING



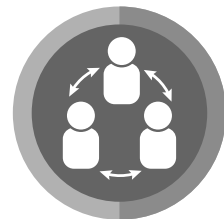
MINERAL TENURE



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## Land Access in Mineral Exploration and Mining

*“People and companies won’t come in if there are not settled land claims.”*

*“There needs to be a much deeper discussion about mining exploration and development within the context of wider Territorial ambitions with respect to land use, reconciliation, traditional knowledge, the settlement of land claims, framing the rights of land owners relative to the interests of developers generally, and regulatory efficiency or economies of scale with respect to regulatory activities.”*

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This topic covers the system and methods of granting land access rights and tenure for different stages of mining exploration.

### **SUMMARY OF KEY THEMES**

- Several public and industry participants noted that land claims need to be settled before moving forward with mineral development. Some noted this cannot be rushed.
- The need to take into consideration access to land for transportation (landing strips, etc.) was noted by industry and the public.
- Public and industry participants noted that the process should not be cost prohibitive for industry and not cater solely to big companies.
- Submissions from Indigenous governments and organizations and the public stated the process must respect Aboriginal and treaty rights.
- NGO representatives expressed the need to harmonize the MRA with land use laws.
- Some industry participants stressed the importance of preserving the free- entry system, noting that it is more democratic and open than other systems.



## Online Map Staking

*“We need a flexible approach.”*

*“[We] need to put things in place to avoid control by one individual or company.”*

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This topic explores the potential for online map staking that allows for claims to be staked using electronic maps.

### **SUMMARY OF KEY THEMES**

- Participants across many groups noted concerns that online staking could put some people out of jobs.
- Many across several participant groups commented on the need to consider where online map staking will work and where it will not, where there is access to technology and where there is not.
- Participants noted the need for highly-accurate survey information for online map staking to be a viable option.
- Many submissions from across all groups noted the need for greater public access to geological information.
- Participants from a variety of groups commented that the Act should prevent opportunities for land grabs. One way this could be done is by setting a cap on how much land an individual may stake.



## Mineral Tenure

*“... it is difficult when there are governments that delay things to the point of the project not being economic.”*

*“There should be additional rules about how long a company can “sit” on a claim or lease without developing a project or providing economic benefits to residents.”*

This topic covers requirements for obtaining, maintaining, and transferring claims, prospecting permits, and leases. Claims, prospecting permits, and leases are types of mineral tenure which give the holder certain rights to access and use the land.

### **SUMMARY OF KEY THEMES**

- Some participants from Indigenous governments and organizations and the public voiced concerns regarding criteria for eligibility for mineral tenure.
- Members of both industry and Indigenous governments and organizations frequently expressed the regulatory process in the MRA should be clear and timelines should be more reasonable.
- Participants from many industry and Indigenous governments and organizations commented that requirements to regularly complete work and report on progress in order to maintain mineral tenure should not be too low.
- Many participants commented that mining companies should not be allowed to sit on leases or claims and not do work. However, some industry stakeholders believed low market prices could complicate this.



## Rehabilitation and Closure

*“Make sure that companies save enough for reclamation so that NWT doesn’t foot the bill.”*

*“Land reclamation should occur throughout the life cycle of the mine and security should be required in full up front ... This should be adjusted for inflation and all abandoned mines should be adequately covered for liabilities.”*

This topic is focused on returning the mine site as close as possible to its natural ecosystem or repurposing it for another productive use.

### **SUMMARY OF KEY THEMES**

- Several submissions from Indigenous governments and organizations and the public expressed concerns regarding the clean-up of abandoned mines and how this could be addressed in the Act.
- The need for adequate securities to address impacts and clean up when mines close was expressed in comments by members of Indigenous governments and organizations and the public
- Participants from Indigenous government and organizations and the public reiterated the need to involve local communities in rehabilitation efforts.
- Industry participants commented on the need to include infrastructure planning in mine closure planning, and noted that this could be a significant benefit to communities.



## Indigenous Engagement and Consultation

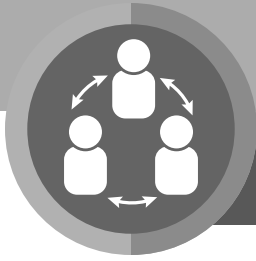
*“The resource boards do a good job of ensuring engagement and ensuring it is meaningful.”*

*“It is very important to have an office in the Northwest Territories. Someone you can go talk to if you have an issue. We want a real presence in the north, not just a store front. This should be a requirement.”*

This topic explores ways to promote meaningful engagement between miners and Indigenous partners, clarify the process of engagement, and ensure respect for the constitutionally protected rights of Indigenous peoples.

### **SUMMARY OF KEY THEMES**

- Representatives from Indigenous governments and organizations and industry commented that guidelines for engagement, consultation, and IBAs would be helpful, including for below threshold projects, to ensure that neither Indigenous nor industry parties are being taken advantage of in any way.
- Both Indigenous governments and organizations and the public often commented on the need for capacity development and funding to support engagement and consultation on the MRA and mineral projects.
- Several participants from Indigenous governments and organizations and the public commented that no recording of any mineral claim should be allowed until after engagement has occurred.
- Many industry representatives noted that early engagement should be required, starting at the exploration phase.
- Several industry representatives noted that the MRA should clarify the engagement and consultation process and how to determine when engagement and consultation are required.



## Socio-Economic Benefits

*“Money should go into education, health care, higher education—this would keep people here too.”*

*“... get people trained and employed. Build businesses and other benefits.”*

*“There should be support for negotiating IBAs—tools to help with negotiation and resources for support.”*

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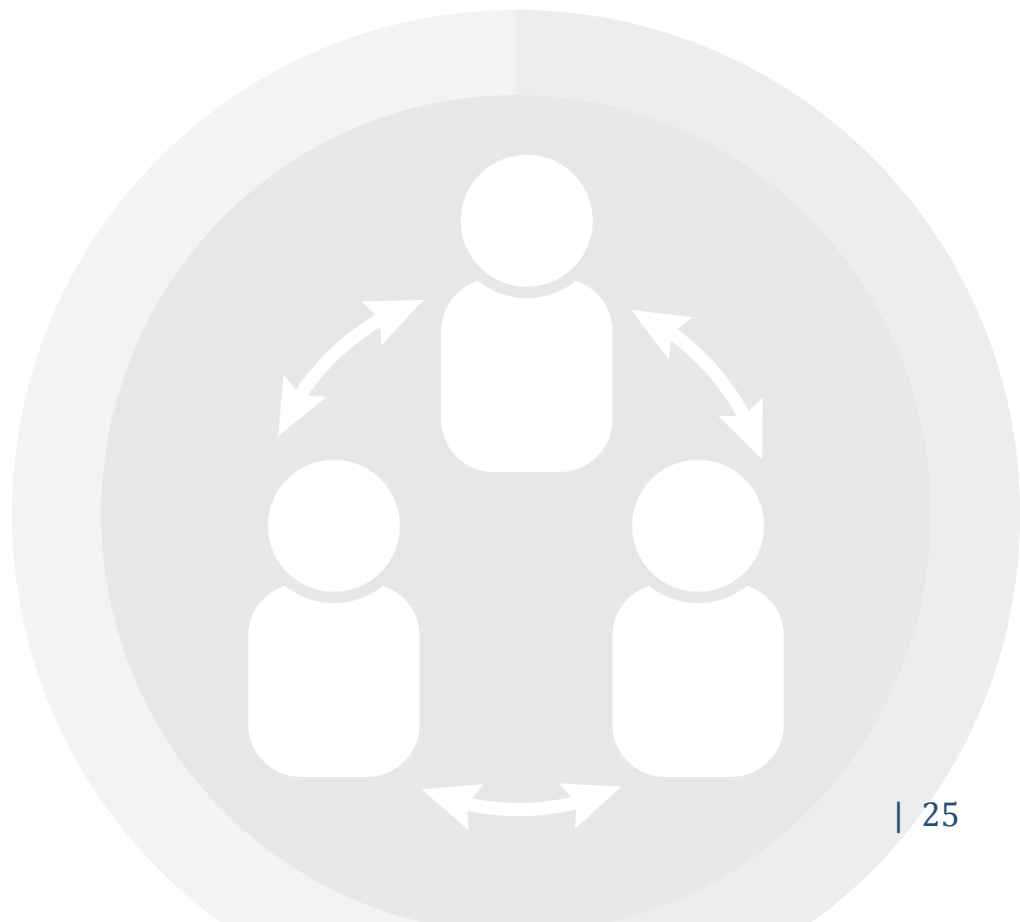
This topic explores ways to maximize benefits of mining for NWT residents. Socio-economic benefits refer to the benefits and opportunities, such as jobs, business opportunities, training, and apprenticeships, etc., experienced by communities, Indigenous peoples, NWT residents, and partners as a result of mining.

### **SUMMARY OF KEY THEMES**

- Several participants across all participant groups noted that public reporting on benefits would be useful, including statistical reporting on IBAs and Socio-Economic Agreements (SEAs), in order to enforce agreements and increase public knowledge regarding benefits from mining.
- Participants regularly noted that Northern procurement should be required in the MRA, including in the exploration phase. Local capacity should be built to ensure that needed services can be provided.
- Participants across all groups commented that capacity building, training, and education are needed to ensure that Indigenous groups and people in the north—particularly those in remote areas—can provide needed services to mines. These efforts should consider regional and local development strategies.
- Several participants from municipal governments and the public commented on the need for mine workers who travel to the NWT for work to stay here, spend their money here, and help local economies grow.
- Several participants from Indigenous governments and organizations and the public commented on the importance of protecting the environment, and several participants expressed strong sentiments that the caribou migration should not be disrupted by mining activity.



- Participants from NGOs, Indigenous governments and organizations and the public noted the need to ensure that benefits are experienced by both current and future generations.
- Many participants from Indigenous governments and organizations and the public commented that the MRA should help maximize benefits to local communities, in the form of jobs or business opportunities, during the exploration phase. They also noted that most exploration projects do not progress to mining so it is important to gain economic benefits during exploration.
- Many participants from Indigenous governments and organizations and the public commented that IBAs should be required in the MRA.
- Indigenous governments and organizations and members of the public commented on the need for benefit agreements to be enforced, including employment requirements and other socio-economic commitments. Some industry participants commented that employment requirements should remain flexible when industry can demonstrate that it has made best efforts.
- Several participants from the public commented that SEAs are not adequately enforced.





## Revenues

*“[We] prefer to look at royalties rather than increasing tax because royalties will allow the companies to adjust when they are in a tougher time or downturn.”*

*“Royalties should stay in the region and finance local and regional infrastructure, including schools.”*

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This topic explores what, if any, changes to approaching revenue from the mineral sector should be considered in the MRA. Two forms of revenue are currently collected under the authority of the *Mining Regulations*: royalties on mineral production, and various administrative, user, and rental fees (such as fees for the recording of claims, prospecting permits, and leases).

### **SUMMARY OF KEY THEMES**

- Representatives of Indigenous governments and organizations emphasized the need for the royalties structure to remain status quo until a broader comprehensive review can be undertaken with devolution partners.
- Participants from the public and industry commented that the level of taxes and royalties should balance the need to address the impacts of mining, but not so high they discourage investment.
- Most industry participants commented that the current royalty approach seems to work well. The royalty system should be clear and competitive.
- Members of the public frequently commented that the NWT should receive a fair return for its mineral resources.



## Inspections, Monitoring, and Auditing

*“I know there is a push towards lots of digital data but for those who do not have fancy GIS it’s really hard to make sense of that data.”*

*“The MRA needs to include better inspection and monitoring ... ‘everything is connected and this legislation needs to properly account for that.’”*

This topic explores the inspection of work, reports, and properties that allows the GNWT to verify that mineral rights holders are accurately reporting exploration activities, geoscience data, and results, and are complying with all applicable rules.

### SUMMARY OF KEY THEMES

- Several participants from across participant groups noted the need to take greenhouse gas emissions from mining, the unique NWT climate, and the impacts of climate change on mining operations into consideration.
- Many participants from industry and the public emphasized the need to make more information available to the public, particularly geological information.
- Several participants from industry and the public expressed a desire to coordinate with other departments to avoid duplicating reporting requirements and ensure that reviews and verification of reports is conducted in an efficient manner.
- Industry and public participants commented that the requirements, level of inspections, and reporting should match the scale of the project.
- Some industry representatives commented that there should be systems in place to avoid abuse amongst both corporate and government parties. There should be transparent standards for how reports will be reviewed and the criteria for approval or disapproval. When changes are made, they should be phased rather than abrupt.
- Industry participants also commented that requirements should take the vast differences in financial and human resource capacities of small companies versus big companies into consideration — “we don’t want to disadvantage the little guy.”



## Transparency, Public Accountability, and Ministerial Authority

*“Transparency is critical in all the activities starting right from consultation process.”*

*“On the general transparency issue, a lot if not all IBAs are supposedly confidential. Confidentiality clause is cause for concern.”*

*“Data should be shared regarding the minerals in the ground.”*

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This topic covers opportunities to promote information and data transparency and public accountability throughout the MRA framework, allowing all voices to be heard and promoting evidence-based decisions

### **SUMMARY OF KEY THEMES**

- Participants from industry, Indigenous governments and organizations, and the public commented that multi-stakeholder processes are important and should be incorporated into the MRA process and legislation; mechanisms that bring together community, government, and industry, sitting down together to work on concerns during all stages of work, including remediation, are beneficial.
- Some industry and many public participants noted that IBAs should be public documents to increase transparency and implementation of the agreements, increase accountability, and reduce corruption. Participants from Indigenous governments and organizations varied in their opinions on this topic, with some strongly opposed to making the agreements public due to privacy concerns, and others in favour of making the agreements public to increase accountability and public discourse.
- Many participants from across participant groups felt strongly that geological information libraries of public information should be developed to avoid the possibility of the same work being repeated again and again.
- Some industry participants noted that the current confidentiality period for release of work reports should be maintained in the MRA.

# Step 3: Development of a Draft Act — Identifying the Key Elements

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The themes identified in this report reflect the comments and input received as part of the GNWT's public engagement on the MRA from August 1, 2017 through December 1, 2017.

This information, together with the results of the GNWT's preliminary scoping exercise, cross-jurisdictional reviews, and extensive policy research already completed will now guide and inform the creation of a new Mineral Resources Act for the NWT.

Taking into account all of these inputs, the following areas have emerged as necessary key elements for a new Mineral Resources Act.

The NWT's new legislation should:

- Promote exploration activities;
- Encourage early and meaningful engagement between mining proponents and impacted communities;
- Allow the reasonable level of flexibility required in a unique, made-for-the-North mining regime, including the use of incentives to encourage best practices;
- Be capable of evolving to meet future needs and to reflect future technological and social expectations;
- Protect the wealth of the NWT, including its peoples, cultures, environment, and resources;
- Ensure benefits from resource development accrue to Northerners and Northern communities.

More specifically, in order to promote exploration, the MRA should incentivize active and regular exploration on mineral claims and leases. Mineral interest holders should not be able to tie-up resource areas for long periods of time without continued exploration and development.

Leases of mineral claims, which remove annual work requirements from claimholders once a claim is taken to lease, should not be issued until a resource has been outlined by exploration work and documented.

Lease holders should be incentivized to continue and report exploration activities and work conducted. Similarly, the royalty regime should incentivize exploration spending. To accommodate these changes, the duration of a mineral claim should be extended from the current duration of ten years, as well build in requirements for work and statistical reporting on leases.



The MRA should seek new opportunities to encourage early engagement and socially responsible mining, rather than create overlap and potential discordance with other elements of the NWT's mining regime. It should fill an existing regulatory void by encouraging early discussions and dialogue between impacted communities and mining companies.

The MRA should require that impacted Indigenous governments and communities remain informed of changes in the ownership of mineral interests.

The MRA should allow for claim holders to apply the cost of outreach and consultation against a portion of their annual claim work requirement.

To be competitive and meet these unique Northern challenges, the MRA should provide reasonable flexibility to mining proponents. Key objectives and interests of the NWT should be achieved wherever possible through the use of incentives, rather than strict regulation.

The MRA should allow for the regulation of socio-economic tools to ensure NWT residents benefit from mining.

The MRA should allow for the future option of implementing an online map staking system.

The royalties structure should be status quo until a broader review can be done with our devolution partners. The MRA should be structured to allow for the future modification of the royalty system and the implementation of an alternative system. The MRA should also allow for future changes to the royalty regime which incentivize benefit-sharing, proactive remediation, the employment of NWT residents, and the direct support of community and cultural initiatives.

The MRA should provide a framework for environmental accountability during early exploration.

Finally, the MRA should be sufficiently flexible to address future change.

# Appendix A:

## Drop-In Meeting Schedule & Detailed Engagement Statistics

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### 264 Community Drop-In Session Participants

LOCATION OF EVENT	DATE OF EVENT	NUMBER OF ATTENDEES
Yellowknife (English)	28 August 2017	75
Yellowknife (French)	29 August 2017	6
Fort Simpson	31 August 2017	51
Norman Wells	05 September 2017	17
Inuvik	06 September 2017	17
Hay River	11 September 2017	23
Fort Smith	12 September 2017	9
Behchoko	26 September 2017	56
Yellowknife - Geoscience Forum	16 November 2017	10
	<b>TOTAL</b>	<b>264</b>

### 46 Meeting Participants

#### MEETINGS BY-INVITATION OR UPON REQUEST

GROUP(S) PARTICIPATING	DATE OF EVENT	NUMBER OF ATTENDEES
Chamber of Mines	28 August 2017	13
Gwich'in Tribal Council	06 September 2017	4
Inuvialuit Regional Corporation	07 September 2017	1
Norman Wells Land Corporation and Sahtu Secretariat Incorporated	05 September 2017	2
Kat'odeeche First Nation	11 September 2017	3
Regulatory Authorities	18 September 2017	11
Non-Governmental Organizations	18 September 2017	9
City of Yellowknife	28 September 2017	1
Yellowknives Dene First Nation	12 October 2017	2
	<b>TOTAL</b>	<b>46</b>

# Appendix B:

## List of Organizations/Entities Providing Submissions

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### **INDIGENOUS GOVERNMENTS AND ORGANIZATIONS**

- Akaitcho Interim Measures Agreement Implementation Office
- Hay River Métis Government Council
- Inuvialuit Regional Corporation
- Inuvik Community Corporation
- Katl'odeeche First Nation (Designated Authority)
- Łíídlı́ Kúé First Nation
- Tłıchq Government
- Sahtu Secretariat Incorporated
- Norman Wells Land Corporation
- Yellowknives Dene First Nation
- Gwich'in Tribal Council

### **NON-GOVERNMENTAL ORGANIZATIONS**

- Alternatives North
- Beverly and Qamanirjuaq Caribou Management Board
- Canadian Arctic Resources Committee
- Canadian Parks and Wilderness Society, NWT Chapter
- Conseil de développement économique des Territoires du Nord-Ouest
- Council of Canadians, NWT Chapter
- Ducks Unlimited Canada
- Ecology North
- Les Éditions franco-ténoises/L'Aquilon
- Environmental Monitoring Advisory Board
- MiningWatch Canada
- Northern Air Transportation Association



## **CHAMBER**

- NWT and Nunavut Chamber of Mines

## **MUNICIPALITIES**

- Town of Norman Wells
- Town of Hay River
- City of Yellowknife

## **INDUSTRY**

- Aurora Geosciences Ltd.
- Erex International Ltd.
- Fortune Minerals Ltd.
- Nahanni Construction Ltd.
- New Discovery Mines Ltd.
- Seabridge Gold Inc.

## **OTHER**

- Natural Resources Canada, Surveyor General Branch, NWT Region
- Workers' Safety and Compensation Commission

## **REGULATORY AUTHORITIES**

- Gwich'in Land and Water Board
- Mackenzie Valley Environmental Impact Review Board
- Mackenzie Valley Land and Water Board
- Sahtu Land and Water Board
- Wek'eezhii Land and Water Board

# What We Heard Report

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KEY ELEMENTS



Government of Northwest Territories  
Gouvernement des Territoires du Nord-Ouest