Northern Mine Reclamation Policy in Canada: A Primer

Reclamation involves using different activities and technologies to clean up mines and other contaminated sites. In Canada, governments require companies operating mines to prepare and carry out remediation plans (which map out how the site will be managed during its lifetime) and pay temporary financial securities or bonds (money that acts as a guarantee that clean up work will take place). Dozens of different regulations shape northern mine reclamation regimes, including environmental assessments and Indigenous, federal, provincial, territorial, and regional policies.

To determine which programs apply to particular mines, we can ask four questions:

- **Is this a new or legacy mine?** Reclamation programs and policies for abandoned or orphaned mines (those without an owner) are different from those for new projects.

- **Where is the site located?** The territories are increasingly responsible for mining and reclamation policy. Mines in traditional Aboriginal lands are subject to regional land and water boards, land claims agreements, and impact and benefit agreements negotiated between communities and companies.

- **Who is responsible for the site’s disturbance?** The polluter pays principle requires parties responsible for pollution to fund and carry out reclamation. However, in some cases bankrupt mining companies have left government departments and taxpayers liable for cleaning up these places.

- **What mining activities took place and what sort of reclamation is required?** Reclamation includes everything from managing large tailings ponds to removing leftover explosives stockpiles. The pace and extent of reclamation is often contingent on the risks and hazards identified at the site.

**Conclusions:** Mitigating the impacts of mines is complicated by: the highly site- and case-specific nature of reclamation; the absence of a clear, ambitious technical and regulatory definition or vision of reclamation; and jurisdictional overlap and governance issues associated with cleanup. Addressing wider Northern policy challenges such as capacity-building is also crucial for the expansive and expensive demands of mine reclamation.

**Related Resources**
- Abandoned Mines in Northern Canada
- Federal Contaminated Sites Inventory
- National Orphaned/Abandoned Mine Initiative
- Northern Review

**Contact**
Anne Dance
Department of History
Memorial University
Phone: 709-864-6242
Email: atdance@mun.ca
Web: [www.anne-dance.com/Research](http://www.anne-dance.com/Research)

This poster explains how contemporary and older mine reclamation is regulated. It is based on research recently published in the Northern Review and funded by Resources and Sustainable Development in the Arctic.
## Laws, policies, and programs for new and abandoned mines in Northern Canada (click on hyperlinks to open)

*indicates ongoing changes

### Northern Canada

#### Yukon
- **New Mines:**
  - Environment Act
  - Guide for proponents/liable parties
  - Placer Mining Act
  - Quartz Mining Act
  - Territorial Lands (Yukon) Act
  - Waters Act
  - Yukon Environmental and Socio-Economic Assessment Board
  - Yukon Mine Reclamation and Closure Policy
  - Yukon Surface Rights Board Act

- **Orphaned/Abandoned Mines:**
  - Assessment and Abandoned Mines Unit
  - Devolution Transfer Agreement
  - Federal Contaminated Sites Action Plan
  - Northern Contaminated Sites Program
  - Devolution Transfer Agreement

#### Northwest Territories
- **New Mines:**
  - Draft Closure Cost Estimate Guidelines for Mines
  - Environmental Protection Act*
  - Environmental Rights Act
  - Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories
  - Mackenzie Valley Land and Water Boards
  - Mackenzie Valley Land Use Regulations
  - Mackenzie Valley Resource Management Act
  - Mackenzie Valley Impact Review Board
  - Mine Site Reclamation Policy for the Northwest Territories, 2002*
  - Northwest Territories Lands Act*
  - Northwest Territories Mining Regulations
  - Territorial Lands Act
  - Waters Act*
  - Waters Regulations*

- **Abandoned/Orphaned Mines:**
  - Contaminated Sites Management Program
  - Frontier Mine Remediation Project
  - Federal Contaminated Sites Action Plan
  - Giant Mine Remediation Project
  - Northern Contaminated Sites Program (CSP)
  - Northwest Territories Devolution Agreement, Chapter 6

#### Nunavik
- **New Mines:**
  - Guide et modalités de préparation du plan et exigences générales en matière de restauration des sites miniers au Québec*
  - Kativik Environmental Quality Commission
  - Loi sur la qualité de l’environnement
  - Loi sur les mines

- **Abandoned/Orphaned Mines:**
  - Federal Contaminated Sites Management Program
  - Northern Contaminated Sites Program (CSP)

#### Nunatsiavut
- **New Mines:**
  - Environmental Protection Act
  - Mine Site Reclamation Policy for Nunavut
  - NTI Mining Policy
  - Nunavut Impact Review Board*
  - Nunavut Lands Act
  - Nunavut Land Use Plan*
  - Nunavut Land Use Regulations
  - Nunavut Land Use and Nunavut Surface Rights Tribunal Act
  - Territorial Lands Act
  - Territorial Lands Regulations

- **Abandoned/Orphaned Mines:**
  - Contaminated Sites Management Program
  - Federal Contaminated Sites Action Plan

#### Nunavut
- **New Mines:**
  - Canadian Environmental Assessment Act, 2012
  - Environmental Protection Act
  - Mine Site Reclamation Policy for Nunavut
  - NTI Mining Policy
  - Nunavut Impact Review Board*
  - Nunavut Lands Act
  - Nunavut Land Use Plan*
  - Nunavut Land Use Regulations
  - Nunavut Land Use and Nunavut Surface Rights Tribunal Act
  - Territorial Lands Act
  - Territorial Lands Regulations

- **Abandoned/Orphaned Mines:**
  - Contaminated Sites Management Program
  - Federal Contaminated Sites Action Plan
  - Northern Contaminated Sites Program (CSP)

#### Nunatsiavut
- **New Mines:**
  - Environmental Assessment Division, DEC
  - Environmental Protection Act
  - Mine Site Reclamation Policy for Nunavut
  - NTI Mining Policy
  - Nunavut Impact Review Board*
  - Nunavut Lands Act
  - Nunavut Land Use Plan*
  - Nunavut Land Use Regulations
  - Nunavut Land Use and Nunavut Surface Rights Tribunal Act
  - Territorial Lands Act
  - Territorial Lands Regulations

#### Nunavut
- **New Mines:**
  - Canadian Environmental Assessment Act, 2012
  - Environmental Protection Act
  - Mine Site Reclamation Policy for Nunavut
  - NTI Mining Policy
  - Nunavut Impact Review Board*
  - Nunavut Lands Act
  - Nunavut Land Use Plan*
  - Nunavut Land Use Regulations
  - Nunavut Land Use and Nunavut Surface Rights Tribunal Act
  - Territorial Lands Act
  - Territorial Lands Regulations

#### Inuvialuit Settlement Region
- **New Mines:**
  - Environmental Impact Screening Committee
  - Environmental Impact Review Board
  - Inuvialuit Water Board (NWT)
  - Canadian Environmental Assessment Act, 2012 (NWT)

#### Other Applicable Agreements, Laws, and Policies
- Land claims agreements, self-government agreements, impact and benefit agreements, other environmental assessment boards, health and safety legislation

#### Federal Policies
- Bankruptcy and Insolvency Act
- Canadian Environmental Assessment Act, 2012
- Canadian Environmental Protection Act, 1999
- Contaminated Site Management Program
- Contaminated Sites Management Policy

## Other Applicable Agreements, Laws, and Policies
- Land claims agreements, self-government agreements, impact and benefit agreements, other environmental assessment boards, health and safety legislation

## Federal Policies
- Bankruptcy and Insolvency Act
- Canadian Environmental Assessment Act, 2012
- Canadian Environmental Protection Act, 1999
- Contaminated Site Management Program
- Contaminated Sites Management Policy