ORDERED RECLAMATION: REDEFINING MINE RECLAMATION IN NORTHERN CANADA

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Overview

- Introduction
- Phase I: History of northern remediation programs
- Phase II: The current framework
- Conclusions: Changing definitions of remediation

Northern Reclamation in Canada: Contemporary Policy and Practice for New and Legacy Mines

Anne Dance

Abstract: This article discusses the factors shaping contemporary reclamation regimes in the Yukon, the Northwest Territories, Nunavut, northern Labrador, and Nunavik in northern Quebec. It details policy documents, laws, research reports, and newspaper articles for a clear overview of current policy and practice in the North and shows that no overarching vision informs reclamation planning. Instead of direction from Ottawa, responsibility for policy-making now largely sits with provincial, territorial, and regional governments along with local land and water boards. Efforts to mitigate the impacts of new and legacy mines are complicated by the multi-site and case-specific nature of reclamation: the lack of a clear, ambitious technical and regulatory definition of reclamation; and the jurisdictional overlap and governance issues associated with cleanup. Addressing these wider policy challenges in the North is crucial to meet the expansive, expensive demands of mine reclamation. As well, reclamation efforts that draw on traditional knowledge and encourage local involvement can mitigate and manage some of the worst impacts of northern resource development. Policy reform such as strengthened regulations and more rigorous government enforcement will help facilitate this. However, reclamation can also exacerbate inequality and environmental problems. Effective reclamation demands more than a particular technological fix or planning strategy; it involves a candid discussion of the goals and limitations of reclamation projects, both past and present. This article has been summarized in an accessible up-to-date poster and will be of interest to concerned parties grappling with a plethora of reclamation regulatory bodies and programs.

In late 2013, a journalist trying to clarify just who was responsible for reclaiming Nunavut’s Jericho diamond mine threw up her hands in frustration, characterizing the case as a jurisdictional “fruit cocktail.” The mine stopped operating a few years after its 2006 opening and the site has since

Sources: See http://www.anne-dance.com/northern-reclamation.html for the accessible poster and link to the Northern Review article.
Q: “I should like to ask the minister a question having to do with abandoned mines... Many companies may go on private property, work a mine and then abandon it. Is it the responsibility of the private individual to see that such mines are protected so far as the public are concerned?”

A: “Yes, I would think so.”

Q: “It is quite a responsibility.”

Source: Lipad.ca
Treasury Board Secretariat, 2012 reprinted in the CESD Spring 2012 Report
Key Federal Programs & Commitments since 1988

• 1989: Canadian Council of the Ministers of the Environment (CCME) and the Green Plan
• 1989-1995: National Contaminated Sites Remediation Program (NCSRP)
• 1991-present: Northern Contaminants Program (NCP)
• 1991-present: Northern Contaminated Sites Program (CSP)
• 1992-present: Environmental Issues Inventory and Remediation Plan (EIIRP)/ Contaminated Sites Management Program (CSMP)
• 1994: Whitehorse Mining Initiative
• 2002-present: National Orphaned and Abandoned Mines Initiative (NOAMI)
• 2004-present: Federal Contaminated Sites Action Plan (FCSAP) and Federal Contaminated Sites Inventory (FCSI)
Laws, policies, and programs for new and abandoned mines in Northern Canada (click on hyperlinks to open)

*indicates ongoing changes

**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
- Shared Responsibility for Type II Abandoned Mines

**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
- Cooperation Agreement Respecting the Giant Mine Remediation Project
- Federal Contaminated Sites Action Plan
- Giant Mine Remediation Project Environmental Agreement
- Northern Contaminated Sites Program (CSP)
- Northwest Territories Devolution Agreement, Chapter 6

**FEDERAL POLICIES**

- Bankruptcy and Insolvency Act
- Canadian Environmental Assessment Act, 2012
- Canadian Environmental Protection Act, 1999
- Contaminated Site Management Program
- Contaminated Sites Management Policy
- CEPA Environmental Registry Environmental Petitions
- Federal Contaminated Sites Action Plan
- Federal Contaminated Sites Inventory
- Fisheries Act
- Metal Mining Effluent Regulations
- Minerals and Metals Policy of the Government of Canada
- Nuclear Liability Act
- Policy on Management of Real Property
- Toxic Substances 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

**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 Land Use Plan
- Nunavut Mining Regulations
- Nunavut Planning and Project Assessment Act
- Nunavut Planning Commission
- Nunavut Water Board
- Nunavut Waters Act
- Nunavut Waters and Nunavut Surface Rights Tribunal
- Territorial Land Use Regulations
- 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
- Mineral Act
- Mining Act
- Mining Regulations
- Nunatsiavut Government
- Nunatsiavut Land Use Plan
- Nunatsiavut Mineral Exploration Standards Regulations

**Abandoned/Orphaned Mines:**
- Environmental Assessment Division, DEC

**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:
- Fonds Restor-Action Nunavik
- Programme gouvernemental des sites contaminés de l’État
- Loi sur la qualité de l’environnement
- Loi sur les mines
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

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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.
• “Federal contaminated sites are located on land owned or leased by the federal government, or on land where the federal government has accepted responsibility for the contamination. **Contamination is most often a result of past activities with environmental consequences that were not well understood at the time.”**

• “We now have policies and legislation as well as increased environmental awareness that will prevent future contaminated sites. [...] **These legislative and policy measures should limit future contamination, and hence, only those sites created prior to 1998 are eligible for FCSAP funding.”**

For sale: contaminated Yukon gold mine, feds to pay cleanup

The Mount Nansen gold/silver mine was abandoned 17 years ago

By Vyacheslavko, CBC News  Posted: May 17, 2016 1:10 PM CT  |  Last Updated: May 17, 2016 1:20 PM CT

17 years after it closed, there's a government approved and court endorsed plan to clean up the Mount Nansen mine, a former gold and silver mine, 69 km west of Carcross, Yukon. In 1999, owner BYG Natural Resources Inc. abandoned the property.

Source: CBC News Online, 2016
Thanks to:

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