

Ministers Mining Advisory Council (MMAC) working group Permitting Workshop September 2015

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Manitoba



Permitting Workshop Idea

Presenters

Conservation and Water Stewardship

- North East Region (Crown Lands Act)
- Environmental Assessment and Licensing (EAL)

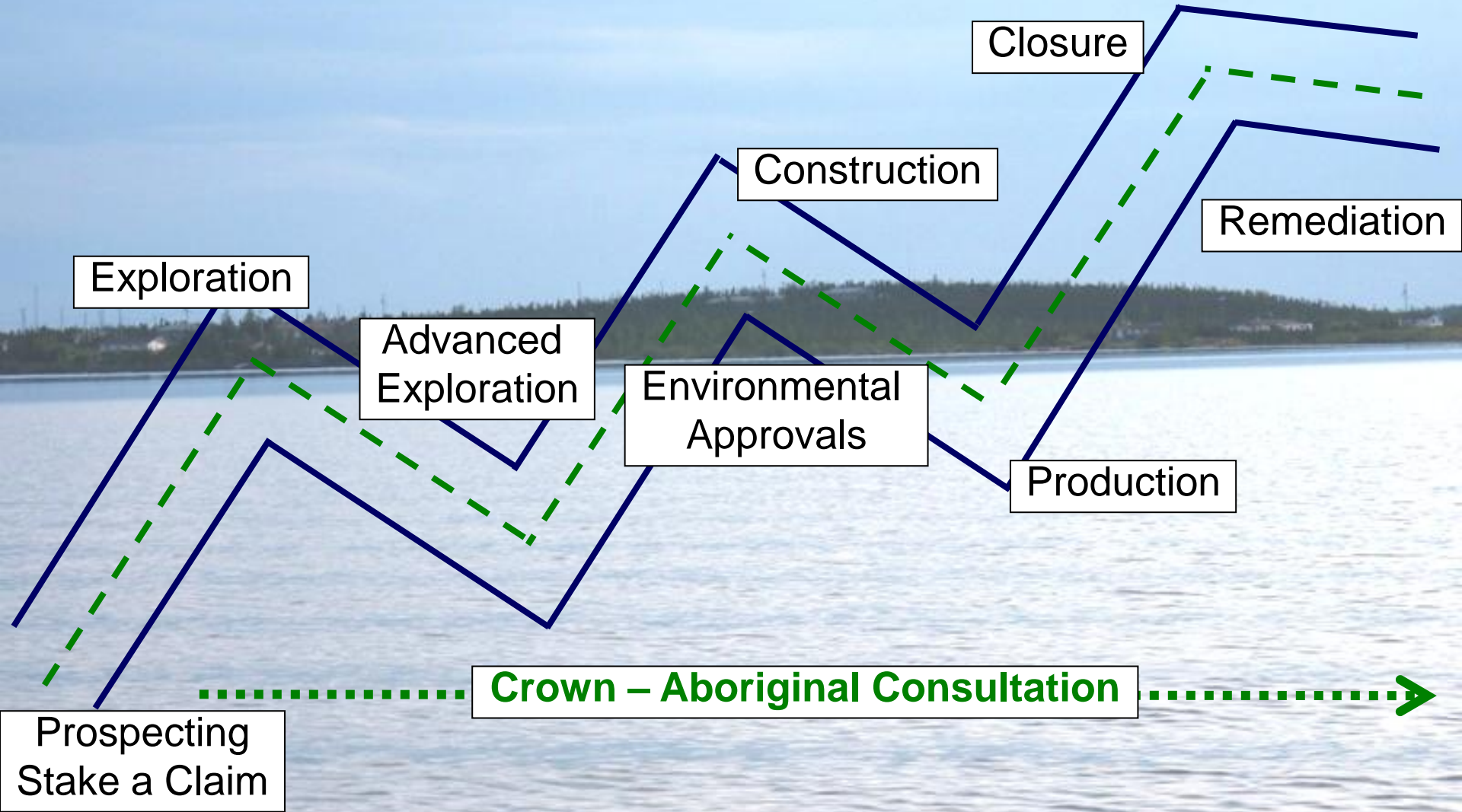
Aboriginal and Northern Affairs

- Agreements Management Branch
- Aboriginal Consultation Branch

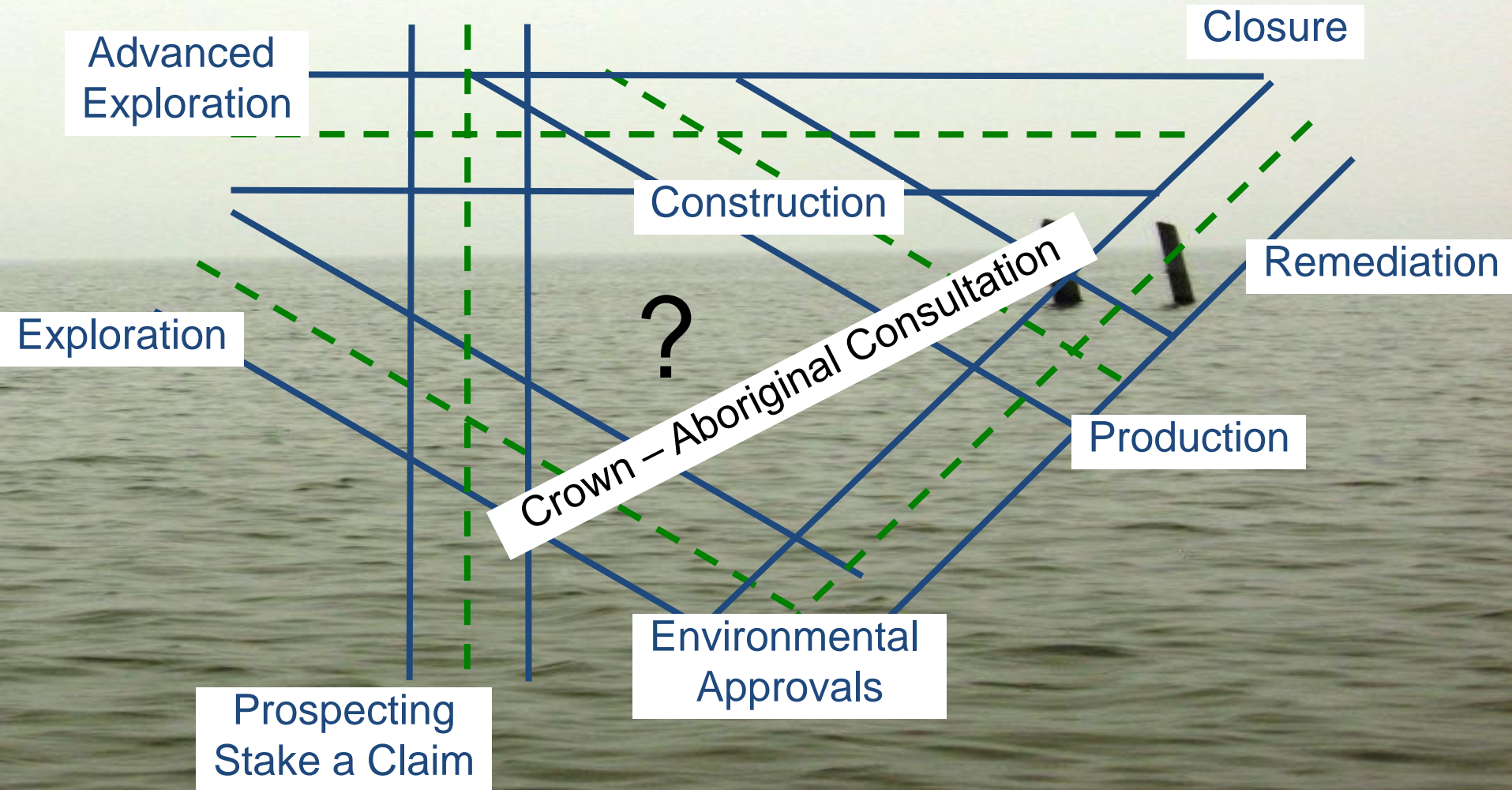
Mineral Resources

- Mines Branch

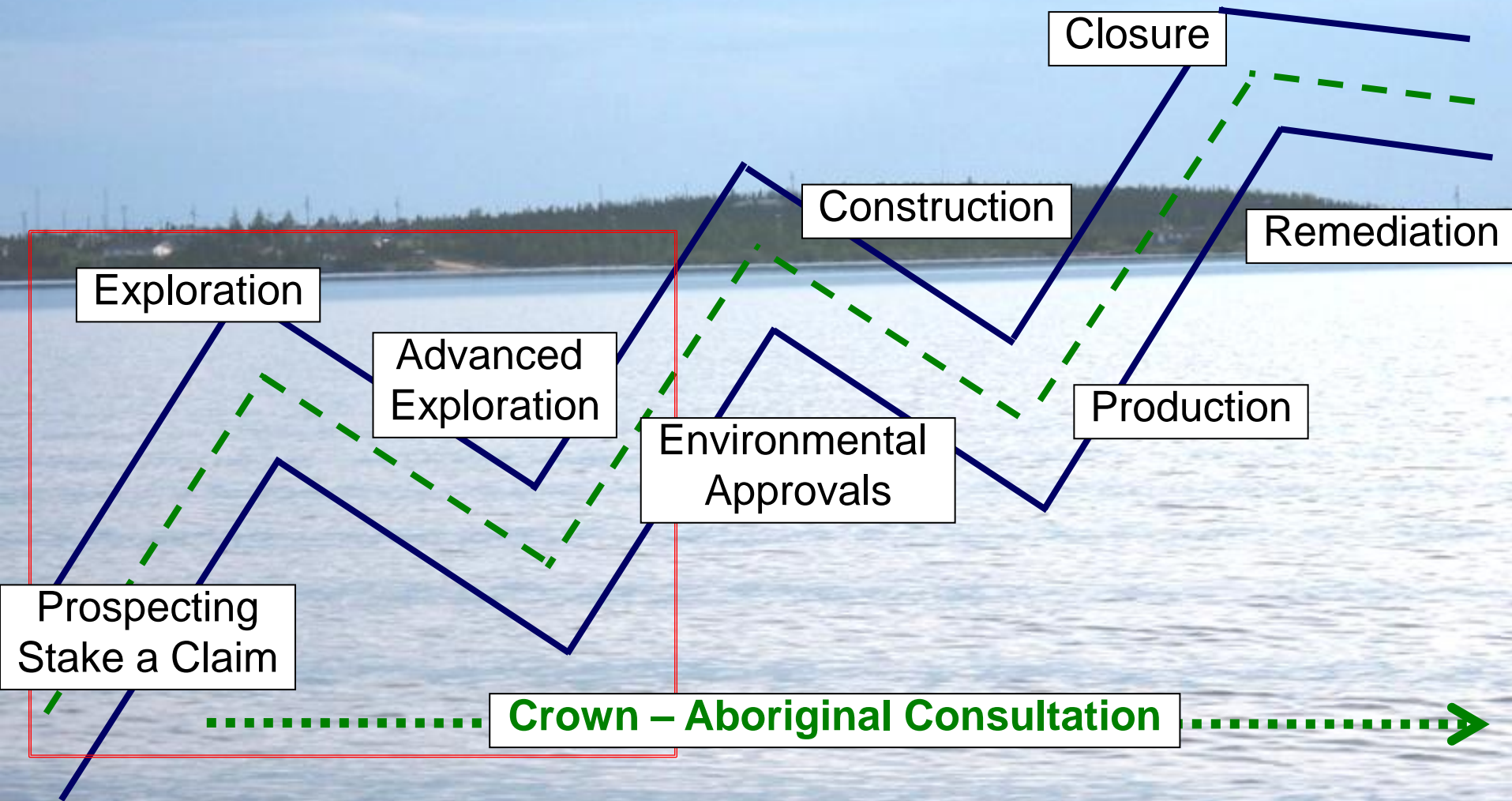
Mineral Resources Mining Cycle



Manitoba Road Map of permits and licenses in 2015



Manitoba Road Map of permits and licenses in 2015



Consultation Process

The Government of Manitoba recognizes it has a duty to meaningfully consult with First Nations, Métis communities and other Aboriginal communities when any proposed provincial law, regulation, decision or action may infringe upon or adversely affect the exercise of an aboriginal right or treaty right of that Aboriginal community.

The duty of the Crown arises from the recognition and affirmation of Aboriginal and Treaty Rights under Section 35 of the *Constitution Act, 1982*.

Consultation leads

- **Mineral Resources** is the lead department for Crown-Aboriginal consultation on mineral exploration licenses and on work permits
- **Mineral Resources** is also the lead agency for Crown-Aboriginal consultation on Environment Act licenses for mine development.
- **Aboriginal and Northern Affairs, Aboriginal Consultation Branch** is Manitoba's coordinating body for Crown-Aboriginal Consultations relating to major or complex resource projects across the province.

Land Agreements

Aboriginal and Northern Affairs, Agreements

Management Branch is Manitoba's lead department for the negotiation and implementation of:

Settlement Agreements Hydroelectric Settlement Agreements involving land entitlement and selection, financial compensation and resource management boards

- 9 Resource Management Boards

Treaty Land Entitlement not all First Nations received their full allotment of land when the Treaties were signed.
Manitoba Natural Resources Agreement – MNRTA (1929/1930)

- 9 TLE agreements covering 29 Entitlement First Nations, Community Interest Zones (CIZ)

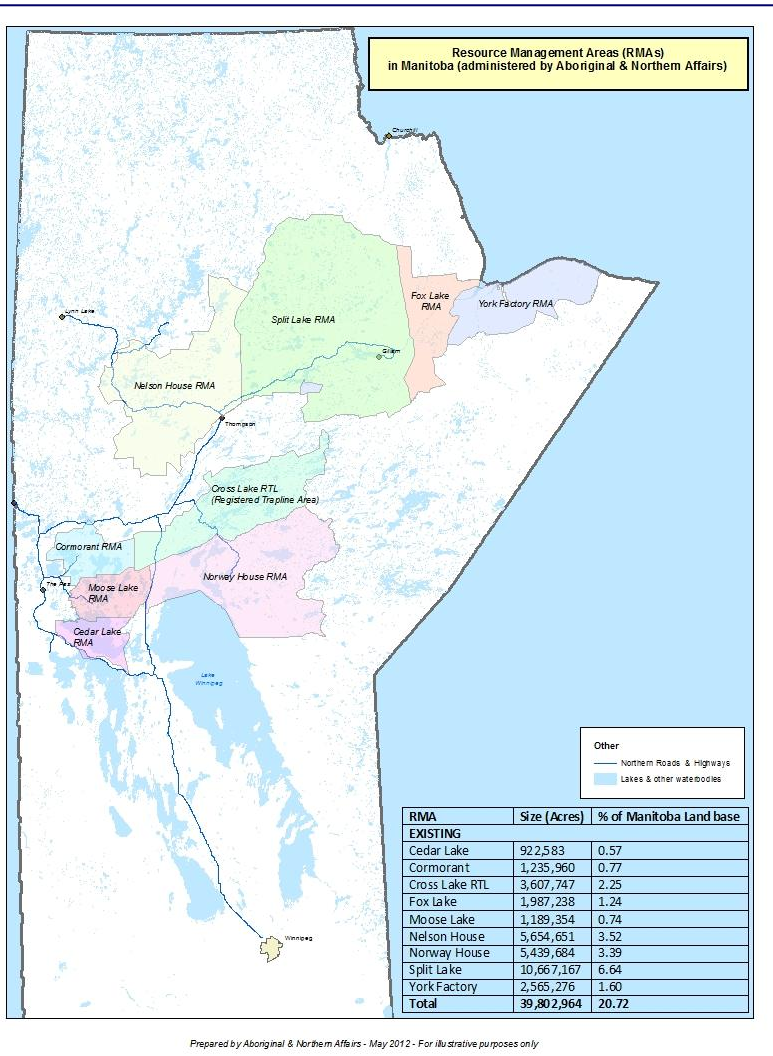
Land Agreements

Hydro Electric Settlement Agreements

Resolve impacts to land and people related to hydroelectric development on First Nations and other communities

May include provisions for financial compensation, land and cooperative natural resource management between the community and Manitoba

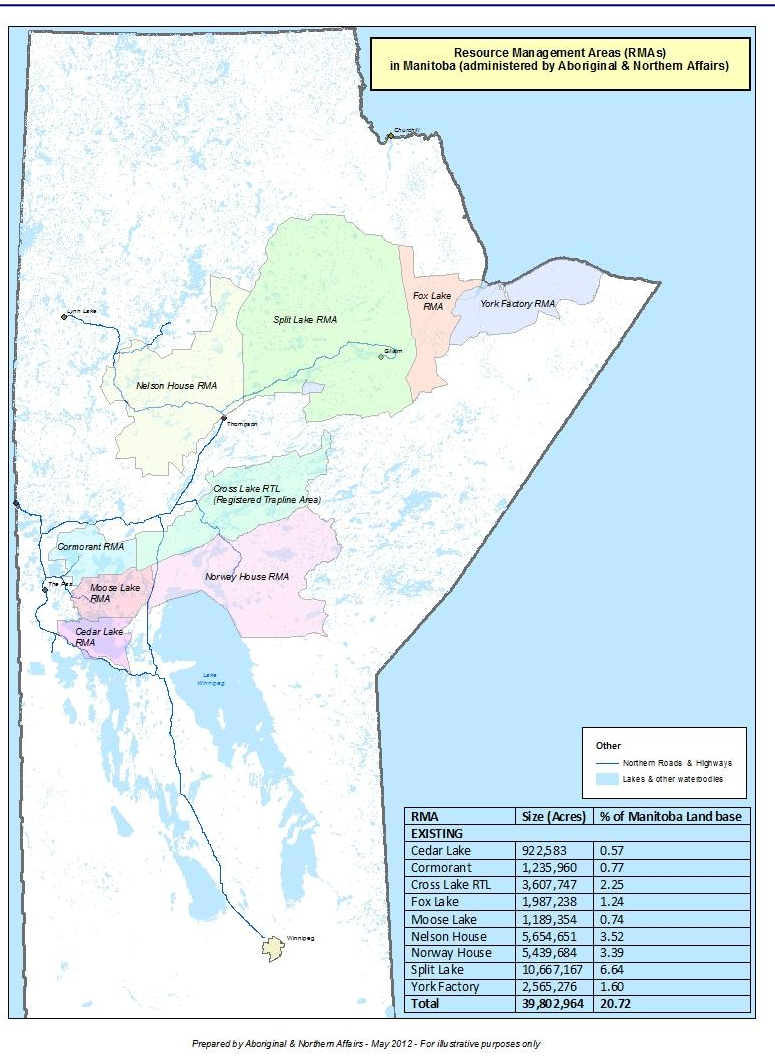
Depending on agreement, Manitoba transfers land selected for ownership to community as fee simple (private ownership) or to Canada as reserve for First Nation



Land Agreements

Resource Management Areas (RMAs)

Boundaries are established on existing Registered Trapline Areas (RTLs)



Total area covered by all RMAs is approximately 40 million acres or 21% of Manitoba's total land base

Function and purpose of the Resource Management Board (RMB)

Develop and implement land use and resource management planning

Facilitate decision-making as co-managers within the Resource Management Area

Important role in information sharing. Resource Management Boards provide recommendations on provincial allocations/dispositions

Land Agreements

Treaty land entitlement (TLE)

Entitlement communities have Community Interest Zones (CIZ)

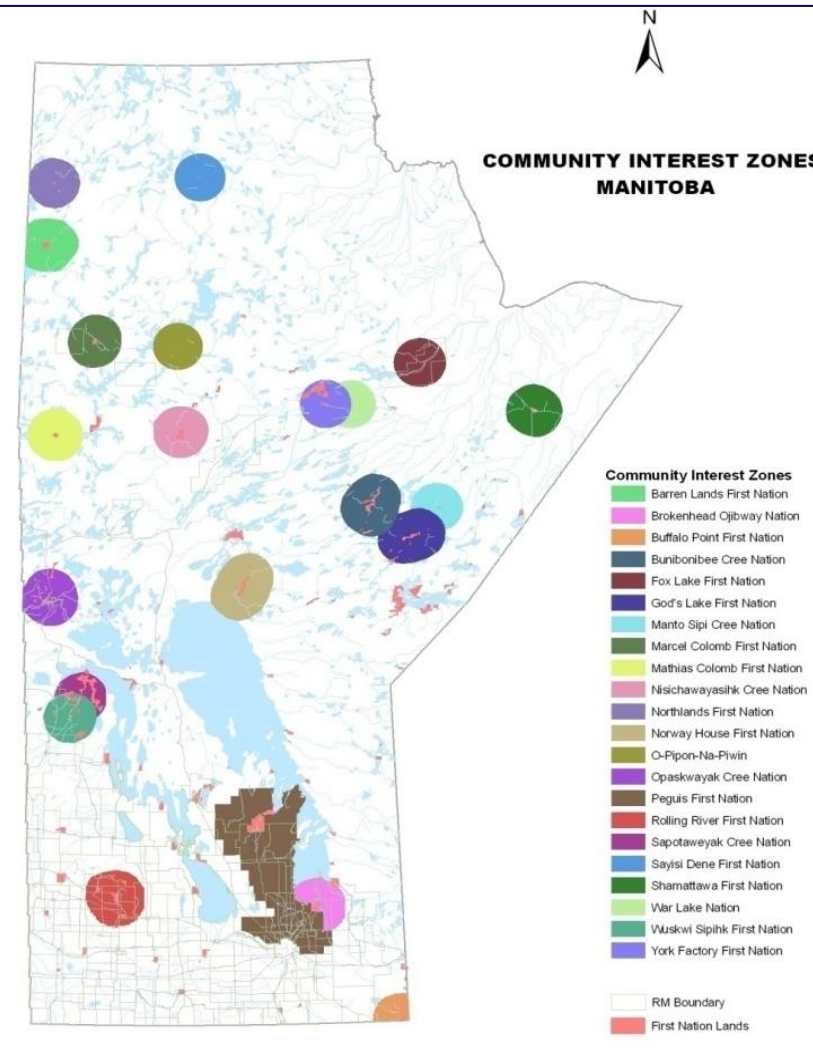
The 9 TLE agreements for 29 First Nations in total covers 1.426 million acres of land, through Crown Lands and acquisition

The TLE process

First Nation makes a land selection-acquisition

- **Third Party Interests** must be resolved
- The land is surveyed
- A Land Use Permit is issued to the First Nation; and then
- Manitoba transfers that land to Canada

Begins the Federal Reserve Creation process



Land Agreements

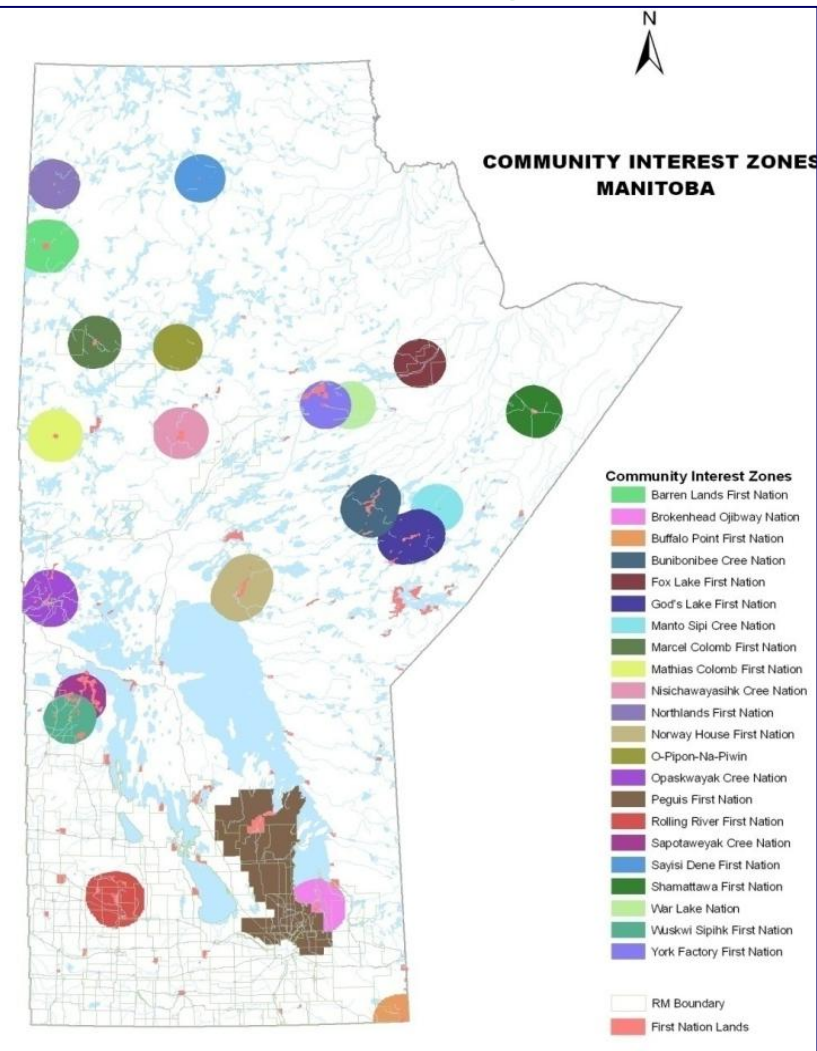
Third Party Interest (TPI)

Any interest or right held by a 3rd party in land or any legal right of use or occupation of land

NOTE: TPI's require resolution before selected land can be converted

Includes:

- Existing mines;
- Mining claims;
- Mineral Exploration Licenses (MELs);
- Quarry leases, aggregates, etc



Permitting Process

Dispositions are divided into quarry and minerals

Quarry dispositions:

- Private pit registration
- Casual quarry permit
- Quarry lease
- Quarry exploration permit

Mineral dispositions:

- Mining claim
- Mineral exploration license
- Mining lease
- Advanced exploration



Permitting Process

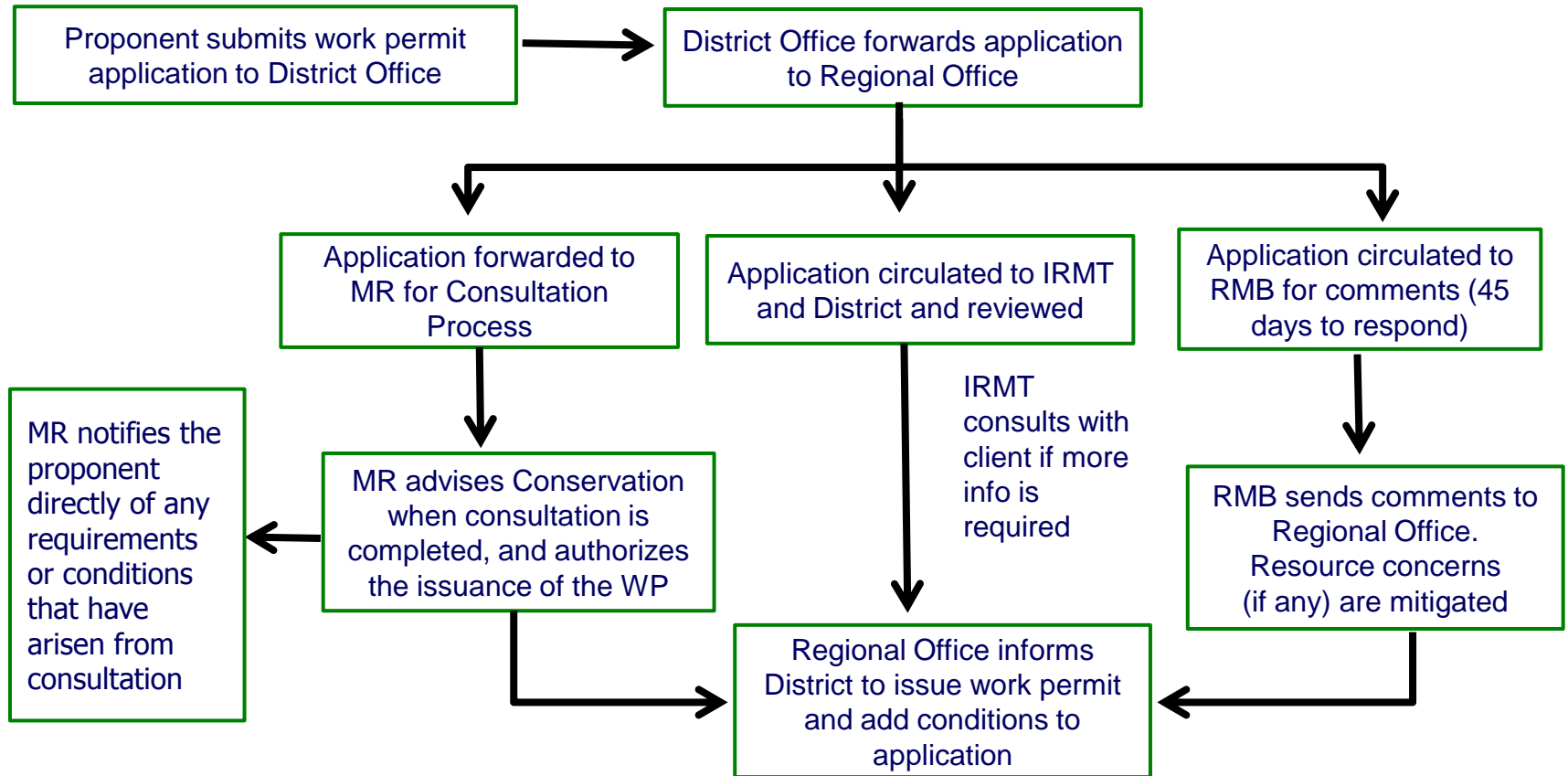
Manitoba Conservation and Water Stewardship

(CWS) is mandated regionally through the Crown Lands Act to issue the work permits that allow a company to carry out exploration or development activities on a mineral disposition or lease. No one can work on the land without being issued a work permit, at this time the actual work is what we consult on.

The **CWS-Environmental Approvals Branch (CWS-EA)** issues the **Environmental Act License (EAL)** through the **Environment Act**.

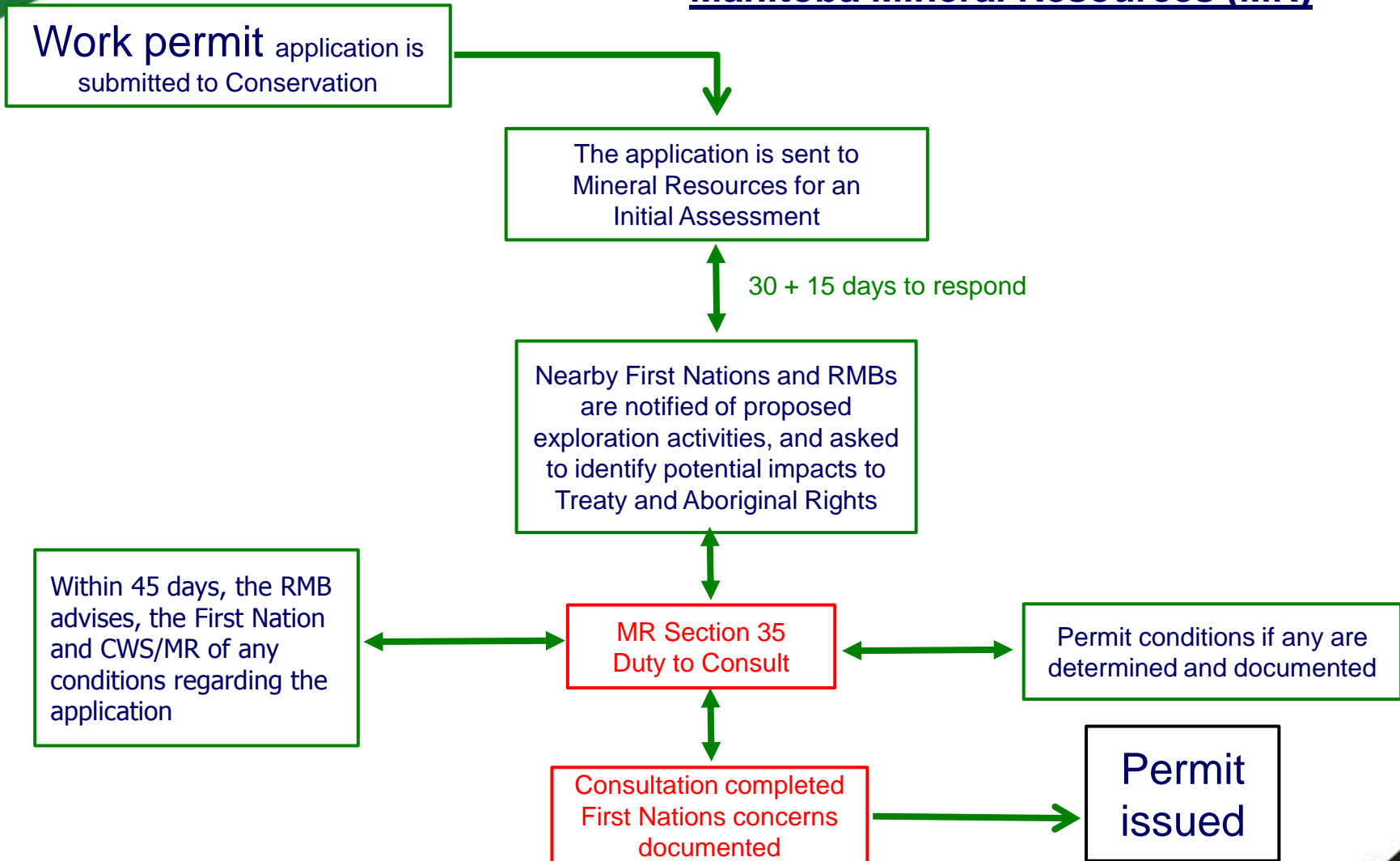
Permitting Process

Manitoba Conservation and Water Stewardship (CWS)



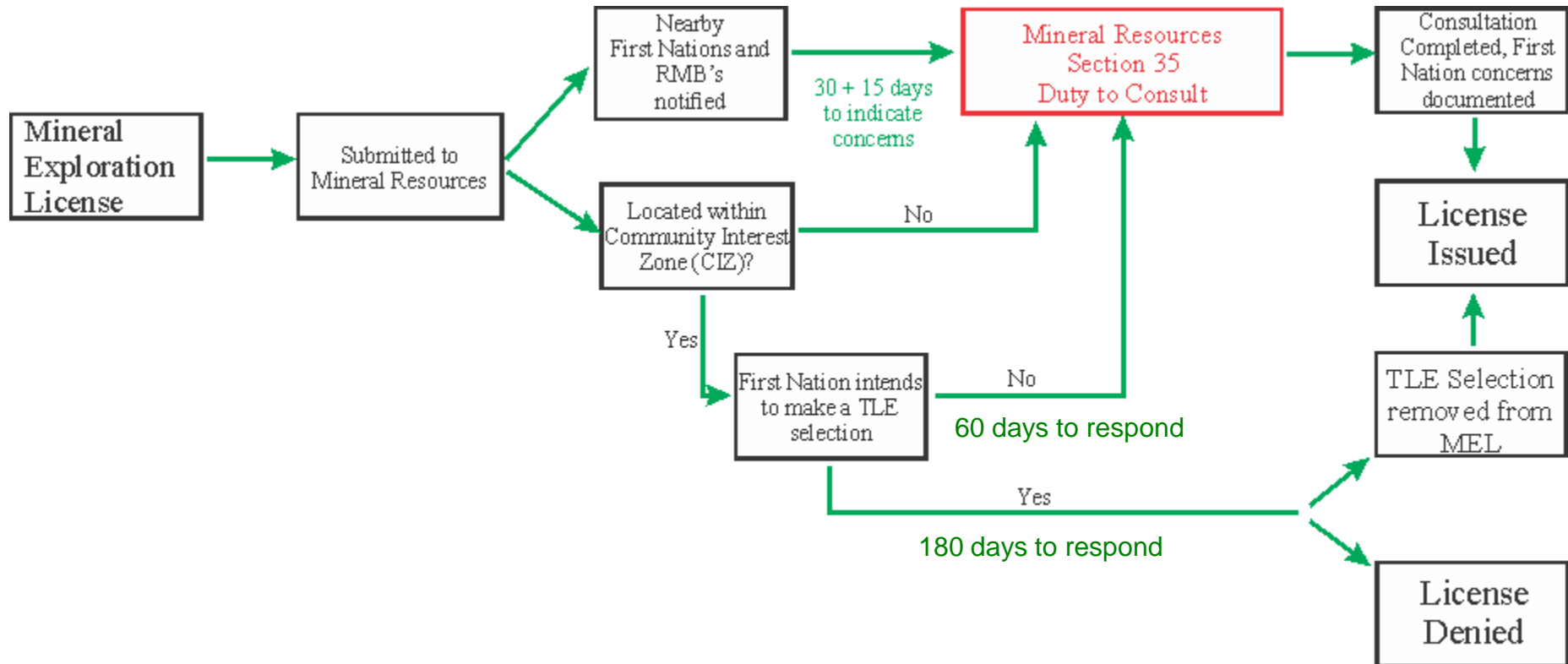
Permitting Process

Manitoba Mineral Resources (MR)



Permitting Process

Manitoba Mineral Resources (MR)



Environment Act, 1987

Mining Projects

Most exploration activities are addressed through work permits/existing regulations, yet certain exploration activities may require **Environment Act Licence**:

- Advanced diamond core drilling and bulk sampling
- Construction/Operation, prior to full mine development

The **CWS-Environmental Approvals Branch (CWS-EA)** issues the **Environmental Act License (EAL)** through the **Environment Act**. **CWS-EA** also administers:

- The Dangerous Goods Handling and Transportation Act
- The Contaminated Sites Remediation Act
- The Public Health Act
- The Water Protection Act

Environment Approvals Branch

Several Ranks of Development with the same level of scrutiny, applications fees change

License Conditions

Pre-construction Conditions

Surveys for rare plants, migratory birds, etc

Construction Mitigation Conditions

Silt screens, monitoring, seasonal windows, etc

Operational Conditions

Monitoring and reporting, Discharge limits,
Emergency response plan, Decommissioning, Financial assurance, etc

The Environment Act License is in place for the entire duration of the mine cycle

Public and Aboriginal Consultation

When an application for an **Environmental Act License** is received, it will follow two processes:

MR and CWS-EA will carry out Crown-Aboriginal Consultation
CWS-EA will follow the **public review process** and distribute the submission for a **Technical Advisory Committee** review.

Check the online **Public Registry on Conservation and Water Stewardship** website:

<http://www.gov.mb.ca/conservation/eal/registries/index.html>

Permitting Process

Current as of October 2015	Mineral Exploration License (MEL)	Mineral Claim	Pre-feasibility study and EA development.				Construction Phase	Production Phase	Closure Phase
			Work Permit	Advanced Exploration Bulk Sampling	Mineral Lease	Environmental License			
Description	Provides exclusive right to explore for minerals within a specified region.	Provides exclusive right to explore for minerals within a specified region.	Provides right to carry out work on Crown land.	Early-stage production license, usually to begin bulk sampling a deposit.	Required prior to project construction.	Required prior to project construction.	Short-term period to build project infrastructure	Main operating phase of a project.	Mine end of life.
Dispositions	MEL Zone A: 5,000-50,000 ha Zone B: 5,000-100,000 ha	Claim 16-256 ha	Work Permit Fire Permit? Timber license? Water License? Other?	N/A	Mineral Lease	Environment Act License	Timber license, building permit, water license, explosives permit, road right of ways, other?	Environmental Act License, water license, explosives permit, other?	Mine Closure Plan
Permitted Activities	Prospecting, mapping, sampling, geophysical and airborne surveys		Line cutting, trail building, prospecting, diamond drilling, camp development and operation	Early site construction, development mining, ore processing, larger camp development and operation.	Amalgamate claims into a contiguous package. No larger than 800 ha.	As specified in License. Typically permits operation of mining and milling operations.	Road construction, building and camp construction, earth moving, underground development, power.	Mining, milling and camp operations.	Demolish/remediate operating/tailings areas
Special Note	No work on the land is allowed without a Work Permit and an MEL or a Mineral Claim does not confer a right to produce minerals								
Duration	Zone A – 3 years Zone B – 5 years	As long as work commitments are met annually.	12 months from approval or April 30	The duration of advanced exploration	21 years	The duration of mine life			
Cost	\$401 + minimum \$0.50 per ha per year	Surveyed - \$67 Unsurveyed - \$16	N/A	N/A	\$267	\$5k app fee plus prep of EA docs, hearings, and intervenors.			
Work Requirement Or Rentals	Zone A-\$1.25-\$15/ha Zone B-\$0.50-\$6/ha Years 1-6 / 1-10	Years 2 to 10 \$12.50/ha \$25/year thereafter			Production-\$10.50/ha Not in production-\$12/ha Surface-\$7/ha	Project Description, Environmental Impact Assessment (EIA)			
Work Requirement Extensions and Exemptions	Extension – Yes. Exemption – No.	Extension – Yes Exemption – Yes							
Minimum Issuance	Procedural, begins with 30 – 45 day waiting period after MMR sends First Nation notification	30 day waiting period from date of staking	45 – 60 days after application date (Concurrent with MEL)	3 – 6 months	When Consultation Is completed	Environment and Social Licence, 6 – 18 months Up to 3 yrs	As per CWS-EA approval process	As per CWS-EA approval process	
Minimum Issuance Within a CIZ	Procedural, beginning with 60 days up to 180 days dependent upon the First Nation TLE selection process			3 – 6 months	Administrative 30 days		As per CWS-EA approval process	As per CWS-EA approval process	
Renewable	Zone A: 1 3yr term Zone B: 1 5yr term		Yes. Must re-apply annually.	N/A	Yes. Up to three times 21 year term	Yes.	No set time frame. Modify with minor and major alterations.	No set time frame. Modify with minor and major alterations.	
Permitting Office	MMR	MMR	CWS	MMR	MMR	CWS-EA	CWS-EA Various Provincial and Federal	CWS-EA Various Provincial and Federal	MMR
Consultation	Yes MEL proponent engagement costs are not flow-through eligible.	No Information letter sent to FN if in CIZ or RMB.	Yes On renewal: No (CWS); Yes (MMR)	Work permit or Environment Act Licence	Yes	Yes. All government departments can input.	Yes. Water License. Others?	Yes. Environmental Act License. Others?	YES
Consultation Lead	MMR		MMR	MMR/CWS-EA Approval required	MMR	MMR	MMR	MMR	MMR

MMR – Manitoba Mineral Resources – Includes the Mines Branch, Petroleum Branch, and Manitoba Geological Survey Branch
Conservation and Water Stewardship- CWS – Provincial department that issues work permits on Crown Lands.

CIZ – Community Interest Zone – 30 km surrounding some First Nation communities.

Conservation and Water Stewardship-Environmental Approval Branch (CWS-EA) – Provincial department that issue Environment Act License.

RMB – Resource Management Board – Area where resource management agreements allow land use co-management

EA – Environmental Assessment – Proponent generated document to apply for an Environment Act License

**Thank you, Merci, Miigwetch, Ekosi, Maci
to everyone who participated behind the scenes
and who also presented
at our first permitting workshop**

Conservation and Water Stewardship

- **North East Region (Crown Lands Act):**

Bruce Pierce, David Hastman

- **Environmental Assessment and licensing**

(EAL): Siobhan Burland Ross

Aboriginal and Northern Affairs

- **Agreements Management and Aboriginal**

Consultation Branches:

Myra Sitchon, Chelsea Silva and

Dave Hicks

Mineral Resource, Mines Branch:

Chris Beaumont-Smith

The MMAC working Group:

Mineral Resources:

John Fox, Linda Murphy,

Chris Beaumont-Smith

Aboriginal and Northern Affairs:

Jeff Legault

First Nation Chiefs Caucus:

Glenn Sanderson and Ed Buller

Mining Association of Manitoba Inc.:

Tim Friesen and Renae Campbell

Mining Industry:

Ryan Land, Vale Manitoba Operations