

**WORKSHOP ON LEGAL AND INSTITUTIONAL  
BARRIERS TO COLLABORATION RELATING TO  
ORPHANED/ABANDONED MINES (OAMs)**

- Sponsor:** National Orphaned/Abandoned Mines Advisory Committee
- Time:** 24-25 February 2003 (Monday, Tuesday)
- Place:** North American Ballroom  
Embassy West Hotel and Conference Centre  
1400 Carling Ave  
Ottawa Ontario  
1-800-267-8696 or 613-729-4331(local)  
www.embassywesthotel.com
- Participants:** 50 to 60 individuals from federal, provincial, territorial and municipal governments, aboriginal organizations, the mining sector, environmental and labour groups. These individuals have knowledge of, or are affected by policy and legal issues surrounding third party liability and orphaned/abandoned minesites (OAMs).

***Objectives:***

- *to identify, better understand and assess the legal and institutional barriers, along with the preferred options that would allow third parties to collaborate on clean-up and manage liabilities related to orphaned/abandoned mines; and,*
- *to develop recommendations and guiding principles for consideration by the National Orphaned Abandoned Mines Advisory Committee and possible transmittal to Federal, Provincial and Territorial governments.*

***Anticipated Output:***

- *Report of Workshop Proceedings capturing information presented, substantive discussion, comments and issues, recommendations, guiding principles and “next steps” for consideration by the National Orphaned and Abandoned Mines Advisory Committee.*

***Workshop Context:***

Orphaned or abandoned mines are those mines for which the owner cannot be found, or for which the owner is financially unable or unwilling to carry out clean-up. They pose environmental, health, safety, and economic problems to communities, the mining industry, and governments in many countries including Canada. In September 2001, Federal, Provincial and Territorial Mines Ministers asked that a National Orphaned/Abandoned Mines Advisory Committee be struck to study various issues and initiatives concerning the development and the implementation of remediation programs across Canada. One task of the Committee was to evaluate, in Canada, the US, and other countries, legal and institutional barriers to collaboration and to identify mechanisms for third party collaboration. A background paper was developed by Joseph Castrilli, Barrister and Solicitor, outlining legal and institutional barriers and identifying legal mechanisms for third party collaboration. The Committee also agreed to sponsor this workshop to provide participants with an opportunity to identify common challenges and share ideas/solutions across the sectors for that would allow third parties to collaborate on clean-up and manage liabilities related to orphaned/abandoned mines without assuming all liabilities. These include legislative and institutional barriers, liability disincentives, and collaborative opportunities with respect to remedial action on orphaned/abandoned minesites on a voluntary or limited basis. Note that the Committee has established a separate Task Force to examine funding approaches with respect to the remediation of OAMs.

## Draft Agenda: LIBC Workshop

TIME	TOPIC	LEAD
DAY 1		
8:15	Registration Desk Open (Coffee and juices available)	
9:00	Call to Order, Introductions	Hajo Versteeg (Facilitator)
9:10	Welcoming Remarks and Workshop Objectives	Christine Kaszycki Chair, Orphaned/Abandoned Mines Advisory Committee; ADM, Manitoba Industry, Trade & Mines
9:20	Overview of Legal and Institutional Barriers to Collaboration Presentation – 40 min Plenary Discussion – 20 min	Joseph Castrilli Barrister & Solicitor
10:20	Break	
10:30	Pennsylvania's <i>Environmental Good Samaritan Act</i> and Related Initiatives  Presentation - 25 min Plenary Discussion -20 min	Mr. Scott Jones Hydrogeologist with the Greensburg District Mining Office; Pennsylvania Dept of Environmental Protection. For information see: <a href="http://www.dep.state.pa.us/dep/deputat&lt;br/&gt;e/minres/reclaimpa/reclaimpahome.htm">http://www.dep.state.pa.us/dep/deputat e/minres/reclaimpa/reclaimpahome.ht m</a> A copy of the EGS Act can be found at: <a href="http://www.dep.state.pa.us/eps/docs/cab&lt;br/&gt;200149b1126000/fldr2002aea3947001/&lt;br/&gt;doc2002aee5111002/Act68of1999.pdf">http://www.dep.state.pa.us/eps/docs/cab 200149b1126000/fldr2002aea3947001/ doc2002aee5111002/Act68of1999.pdf</a>
11:15	The U.S. Federal <i>Abandoned Hardrock Mines Reclamation Act of 2002</i> and Related Initiatives  Presentation - 25 min Plenary Discussion -20 min	Alan Septoff, Research and Information Systems Director, Mineral Policy Center, Washington D.C.: For information see: <a href="http://www.mineralpolicy.org">http://www.mineralpolicy.org</a>
12:00	Lunch (Provided)	
1:00	Abandoned Mines in the North  Presentation - 20 min Plenary Discussion - 10 min	Richard Arseneault, Director, Office of Sustainable Development Studies: See <a href="http://www.oag-bvg.gc.ca/">http://www.oag-bvg.gc.ca/</a> for the 2002 Report of the Commissioner for the Environment and Sustainable Development (cf Chap 3 on Abandoned Mines)

TIME	TOPIC	LEAD
1:30	<p>The OMA/OMNDM Initiative: A Case Study in Addressing Legal and Institutional Barriers to Collaboration on OAMs in Ontario</p> <p>This Case Study will examine several “on the ground issues” that this initiative is grappling with, including issues relating to ownership, the definition of “site”, “special purpose accounts”, indemnification, gifts to the Crown, tax credits and responsibility for fund administration.</p> <p>Presentation - 30 min Plenary Discussion - 20 min: facilitator will solicit similar &amp; additional “real life” experiences from participants.</p>	John Martschuk, Director, Ontario Mining Association; and, Director, Environment, Barrick Gold Corp
2:20	Liability, Legislative and Institutional Barriers and Opportunities for Collaboration	
	Setting the Stage: Presentation – 20 Min Plenary Discussion – 15 Min	Joseph Castrilli
	Site Specific Experiences in Canadian Jurisdictions	
	Presentation #1: Experiences from a Mining Sector Representative Plenary Discussion – 15 Min	Wayne Fraser from Hudson Bay Mining & Smelting Co; and Christine Kaszycki and Edwin Yee from the Manitoba govt.
3:30	Break	
	Presentation # 2: Experiences from an Ontario Ministry of the Environment representative Presentation – 20 Min Plenary Discussion – 10 Min	Ken Jull, a lawyer who has done extensive work on the Deloro site for ON MoE
	Presentation # 3: Experiences from the North Presentation – 15 Min Plenary Discussion – 10 Min	Robert Lauer, INAC
	Plenary Discussion, including Collaborative/ Partnership opportunities, Lessons learned	Led by Hajo Versteeg
5:10	Summary of the Day	Hajo Versteeg
5:15	Workshop Adjourned	
5:16 to 6:30	Informal Reception (Dinner is on your own)	All

TIME	TOPIC	LEAD
<b>DAY 2</b>		
8:45	Call to Order/ Review of Workshop Process	Hajo Versteeg
9:00	<p>Panel Presentations and Plenary Discussion:</p> <p>Panel Members from: Environment Canada (Patrick Finlay); Indian and Northern Affairs (Robert Lauer); Saskatchewan Environment (John Schisler), an Aboriginal organization (Glenn Nolan), the Canadian Environmental Network, and the Mining Sector. <i>Panel members are not necessarily representing the views of the organizations with which they are affiliated.</i></p> <p>Each panel member has 10 minutes and has been asked to consider the following to help set the stage for the Breakout Group discussions:</p> <p>What do you think are the 2-3 priority barriers to collaboration;  What recommendations/guiding principles would you make to remedy/overcome these barriers and promote collaboration and partnership opportunities</p> <p>Panel presenter: 10 min each  Plenary Discussion following all of the presentations – 20 min.</p>	
10:20	Break and Report to Breakout Groups (BOGs)	
10:30	<p>BOG 1, 2 and 3: Focus on Legislative and Institutional Barriers  What are the 3-5 priority legislative and institutional barriers to collaboration;  What recommendations/guiding principles would you make to remedy/ overcome these barriers and promote collaboration/partnership opportunities</p> <p>BOG 4, 5 and 6: Focus on Liability Barriers  What are the 3-5 priority liability barriers to collaboration;  What recommendations/guiding principles would you make to remedy/ overcome these barriers and promote collaboration/partnership opportunities</p>	
12:00	Lunch (provided)	
1:00	<p>Breakout Reports to Plenary:  BOGs report to plenary: 10 min Plenary reporting from each BOG plus 5 min plenary discussion following each report</p>	
2:45	Summary of Recommendations and Guiding Principles to present to National Orphaned/Abandoned Mines Advisory Committee	Hajo Versteeg
3:15	Next Steps and Closing Remarks	Elizabeth Gardiner VP, Technical

		Affairs, MAC
3:30	Workshop Adjourns	
3:45 – 4:30	<i>TBC: National Orphaned/Abandoned Mines Advisory Committee meeting to debrief and discuss recommendations and next steps</i>	

**Participants should not book travel arrangements prior to 5:00 p.m.**

*(National Orphaned/Abandoned Mines Advisory Committee members should not book travel arrangements prior to 18:00)*