



Action Plan 2003

Status Report

Reports on the activities of working groups arising from Action Plan 2003 of the Mines Ministers' Conference submitted for consideration at the 61st Mines Ministers' Conference

Iqaluit, Nunavut • July 2004



Introduction

The Status Reports contained hereunder reflect the actions taken on the major issues affecting the mining industry in Canada, under the direction of the provincial, territorial and federal ministers of Mines at the Mines Ministers' Conference 2003.

The reports were prepared either by working groups established by the Intergovernmental Working Group on the Mineral Industry (IGWG) or by officials responsible for a specific issue.

Therefore, the views contained in the reports do not necessarily reflect those of IGWG as a whole.

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Orphaned and Abandoned Mine-Site Rehabilitation

Ministers continued to express their strong support for the National Orphaned and Abandoned Mines Initiative (NOAMI) and were pleased with the progress that has been made by the advisory committee and task groups. Ministers and stakeholders' representatives agreed that the work to date provides a good basis for going forward with this initiative and were generally supportive of the Action Framework recommended by the advisory committee. Ministers agreed to continue to support the NOAMI process to the extent that budgets and available human resources allow, and asked the advisory committee and task groups to immediately undertake the following actions:

- 1. Develop a policy framework for reclamation standards;*
- 2. Develop intergovernmental cost-sharing arrangements to address remediation at high-priority sites;*
- 3. Complete guidelines for jurisdictional legislative reviews with respect to collaboration, liability and funding to ensure that approaches across jurisdictions are consistent, certain, transparent, coordinated and efficient;*
- 4. Establish guidelines for facilitation and coordination of voluntary reclamation; and*
- 5. Establish guidelines for site assessment and prioritization.*

Ministers agreed that, following on successful delivery of the initial five items in the action framework, implementation steps extending to 2007 and perhaps beyond would involve:

- 6. Implementing a legislative/policy framework following completion of a legislative review; and*
- 7. Developing ongoing processes/mechanisms for technology transfer and best practices.*

Ministers asked to be updated on the progress towards implementing the Action Framework at the 2004 Mines Ministers' Conference.

BACKGROUND

The legacy of orphaned/abandoned mines (O/AMs), with the associated environmental liability, human health concerns and the financial costs of clean-up, is a serious issue facing Canada.

In 1999 and 2000, a number of stakeholders put forth requests to the Mines Ministers to establish a joint industry-government working group, assisted by other stakeholders, to review the issue of orphaned/abandoned mines. The Ministers supported this initiative and requested that a multi-stakeholder workshop be organized to identify key issues and priorities.

In 2002, Mines Ministers signaled their commitment to address this serious environmental issue with the establishment of the National Orphaned/Abandoned Mines Initiative (NOAMI).

NOAMI is a cooperative Canadian program that is guided by an advisory committee consisting of the mining industry, federal/provincial/territorial governments, environmental non-government organizations and First Nations.

The committee's role is to assess key issues and put forward recommendations to Mines Ministers concerning collaborative approaches and partnerships in the implementation of remediation programs across Canada.

STATUS

At their annual meeting in Halifax in 2003, Mines Ministers endorsed recommendations put forward by NOAMI, including two key priority areas for immediate action: 1) development of intergovernmental cost-sharing arrangements to address remediation at high-priority sites; and 2) development of a policy framework that addresses the legislative/regulatory issues associated with specific challenges presented by orphaned/abandoned mines.

Intergovernmental Cost-Sharing Arrangements

A NOAMI-commissioned review of funding approaches concluded that while no single approach appears likely to constitute a complete solution to the clean-up of orphaned/abandoned mines in Canada, immediate steps could be taken by governments to enhance capacity to address remediation at key sites.

In its budget of March 23, 2004, the federal government announced a total of \$4.0 billion in funding to be directed toward remediation of contaminated sites. Of this, approximately \$3.5 billion is to be focused on sites for which the Government of Canada is responsible. The remaining \$500 million is to be focused on "other sites" for which the Government shares some responsibility, such as the Sydney Tar Ponds in Nova Scotia (to which \$280 million has been committed).

NOAMI has recently written to the Minister of Environment Canada and the Minister of Natural Resources Canada requesting that consideration be given to making funds available for programs to support federal/provincial/territorial remediation efforts for orphaned/abandoned mines.

This provides a potential opportunity for developing intergovernmental cost-sharing arrangements for the remediation of orphaned/abandoned mines.

Policy Framework to Address Legislative/Regulatory Issues

A NOAMI study of legislative and institutional barriers to collaboration has highlighted the need to develop a policy framework that guides the application of federal/provincial/territorial (F/P/T) regulations in the remediation of orphaned/abandoned mines. While there are well-established instruments to guide the development and closure of active mines, the unique challenges associated with the remediation of sites that were developed and closed decades ago have not been resolved.

At their annual meeting in Halifax in 2003, Mines Ministers directed NOAMI to complete guidelines for jurisdictional legislative reviews with respect to collaboration, liability and funding to ensure that approaches across jurisdictions are consistent, certain, transparent, coordinated and efficient.

This document has now been completed and is tabled for distribution and action by Mines Ministers in their respective jurisdictions.

These guidelines will be used by the jurisdictions to evaluate their own policies with respect to collaboration, liability and funding. They are intended to assist jurisdictions in completing a review of legislation (acts and regulations) and related practices (such as permitting, licensing and approval processes) that relate to:

- Contaminated sites;
- Operating mine sites; and
- Orphaned/abandoned mine sites.

The purpose of this review is to provide an accurate synopsis of the current regulatory environment and to assist in the development of a consistent, transparent, coordinated and efficient legislative framework for the management of orphaned/abandoned mine sites in Canada.

The jurisdictions are to report back to NOAMI on their review and to identify actions they have taken. NOAMI will synthesize responses and develop a best practices approach to legislative/regulatory requirements.

RECOMMENDATIONS

- Mines Ministers approach Environment Canada to seek program funds as part of the recently announced funding for contaminated sites, specifically for the development of F/P/T cost-sharing arrangements for the remediation of orphaned/abandoned mines.
- Ministers endorse the guidelines for legislative review tabled by NOAMI and instruct their respective ministries to complete the review and report results back to NOAMI within six months.
- Ministers support the ongoing activities of NOAMI as outlined in their detailed work plan (2003).