



Multi-Year Area-Based Permitting Policy for Mineral and Coal Exploration Activities

1. Introduction

The Mines and Mineral Resources Division (MMRD) has historically issued permits for mineral and coal exploration projects on the basis of annual applications to perform work on a site. In recent years, a need for increased operational flexibility has been recognized. Also, First Nations communities have expressed concern regarding responding to consultation for numerous applications in the same permitted area. Thus, there has been a movement towards issuance of multi-year area-based work approvals. An increased number of multi-year area-based permits are expected to streamline administrative processes and decrease the number of applications that need to be considered on an annual basis.

Multi-year area-based (MYAB) permitting is the practice of authorizing exploration activities, typically for up to 5 years within identified activity area(s) underlain by the mineral or coal tenure area of the project. Proponents have the flexibility to execute exploration programs over the entire area of the authorization and over the lifecycle of the authorization as field results and market conditions dictate. MMRD oversight of MYAB permits is done through annual acceptance of an Annual Summary of Exploration Activities (ASEA) and a MYAB Work Program Annual Update. The ASEA details activities completed over the previous year and tracks site reclamation. The MYAB Work Program Annual Update tracks consistency with the scope of the approved work program and indicates what portion of the remaining approval may be completed in the upcoming year.

MYAB permitting promotes the concept of consultation with First Nations on a specific geographic area, not merely site specific locations for proposed work. This allows the consultation process to address interests in a larger area on the basis that work could occur in the area over a number of years. With the aim to obtain an enhanced understanding of potential impacts to First Nations and/or rights over a larger geographic area, proponents and government are better able to implement appropriate mitigation actions throughout the term of the approval.

This policy is not intended to place restrictions on the statutory decision-making power of inspectors. Discretion to decide whether or not an MYAB approach is acceptable remains with the inspector, based on the nature of the proposed work, including the geographic or geologic conditions of the work area, their experience with the proponent, wildlife or other values on the land base. Inspectors should work closely with applicants to encourage the use of MYAB permitting when it makes sense.

Specific Objectives of MYAB Permitting

- To provide proponents with the approval to carry out an exploration program over a specified area, typically for up to five years.
- To provide more certainty to companies by enabling them to commit to longer-term work programs based on overall projected impacts.
- To provide MMRD with the ability to review and consult on a longer-range basis, thus eliminating repetitive referrals for First Nations, communities, clients, MMRD staff and other government agencies for the same or similar work in a given area.
- To outline the scope of a work program for First Nations in a manner that facilitates meaningful discussion regarding possible impacts to First Nations rights while reducing the administrative burden on First Nations communities.
- To improve communications with First Nations through ongoing sharing of information on the progression of approved exploration activities.
- To provide companies with the flexibility to change the sequence of exploration activities and modify exploration plans as field results dictate, within the scope of the approved *Mines Act* permit.
- To provide a more accurate footprint of exploration activities that will assist in cumulative effects assessments and provide greater transparency to the public regarding the full scope of a mining activity and its impacts.
- As with all applications, to ensure both exploration applications and approved activities meet the health and safety standards and environmental protection requirements contained in the *Mines Act*, the Code and all other applicable legislation.

2. MYAB Permitting Procedures

Legislation

Section 10(3) of the *Mines Act* provides the Chief Inspector (inspector) with the authority to set the length of term for permits issued under Section 10.

Policy

To establish a recommended procedure for issuing MYAB permits for exploration projects. The purpose of issuing MYAB permits is to provide proponents with greater flexibility to adapt their proposed exploration programs in response to field results, unforeseen geographic barriers, market pressures, etc. in order to provide greater certainty of the ability to undertake their work, and to reduce repetitive administration efforts by focussing on thorough up-front planning and consultation.

Permits issued under this policy should typically be for a term of no more than 5 years. The area(s) of proposed exploration activities must lie within a contiguous mineral or coal tenured area. There can be more than one area of exploration activity specified within a MYAB application.

Permit Revisions

Sections 10(6) and 10(7) of the *Mines Act* provide the inspector with the authority to add conditions or change existing conditions when a permit is revised or when the term of a permit is extended.

MYAB permitting is intended to reduce the need for revisions to the scope of exploration projects. Projects are permitted and consultation occurs based on the total expected disturbance to the site over the broadest area the project is expected to impact. Permit revisions are not required if the work does not significantly depart from the scope of the MYAB permit.

If there is a significant departure from the scope of a MYAB permit, a permit revision may be required. Inspectors will determine whether a change to the work program requires a revision to the permit or is acceptable without any revisions. Permit revisions may require First Nations consultation. Possible grounds for revisions may include, but are not limited to the following:

- Applicant seeking to exceed the total estimated exploration activities proposed in the original application (e.g., number of drill or trench sites, type of access, etc.).

Multi-Year Area-Based Permitting Policy

- Applicant seeking to substantially change the type of mechanized work (e.g., from a drilling program to a test pit, trench or bulk sample program).
- Applicant seeking to expand the area of the proposed disturbance.

Application Review

Only a complete application that meets the requirements of the *Mines Act* and the Code will be accepted by the Ministry. Applicants should use the same application tool that is used for other Notices of Work. The MYAB Proponent Guide and, for bulk samples and underground activities, Part 10 of the Code provides additional guidance on submitting an application. A MYAB application must include a description of activities proposed for the first year of the term of the authorization.

Applications must include mapping as outlined in the Proponent Guide, including digital spatial files illustrating the specific area(s) within which activities are proposed. The digital spatial files are used for status of other land uses and values which guide consultation and referral processes.

During the application review process, proponents may be required to submit additional studies and information in support of related issues, including engineering, water, and archaeological assessments. Providing comprehensive information during the permitting process should be anticipated and is expected to lead to more effective referral and First Nations consultation processes and reduce the need for permit revisions in the future.

Application Referral

Applications may be referred by the Ministry to seek input from other provincial and federal agencies on the project's potential impacts, on how impacts might be reduced, and to advise of additional permits and approvals from the referral agencies as required.

MYAB applications undergo the same referral process as other NOW applications. Applicants should be advised that a sufficient referral period is required for agencies to provide comments. According to the Code, agencies have 30 days to respond to referrals; however, there are circumstances under which an extension may be required.

First Nations Consultation

The Province of British Columbia has a legal duty to consult with First Nations on proposed exploration activities that may adversely impact proven or claimed Aboriginal rights (including title), or treaty rights.

Multi-Year Area-Based Permitting Policy

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Ministry staff will use information that is readily available to the Province to determine the appropriate level of consultation for the individual project and whether any accommodation is required. If the inspector determines that accommodation is necessary, the Ministry will work closely with the proponent and First Nations to develop conditions within the permit or through other processes.

Site Inspections

Once an application is approved and a *Mines Act* permit is issued, the Ministry ensures that the operator and the operation are in compliance with the terms and conditions of the permit. The inspection process works the same for MYAB permits as it does for any other mining activity.

Regular site inspections are critical for all mine activities to ensure that proponents are working within the permit scope, adequate securities are being held by the Ministry, and appropriate health and safety measures are being implemented.

Annual Reporting

MYAB projects are the same as site-specific projects in that a specific scope of activities is approved. The only difference is that the permittee has more flexibility as to where these activities are conducted. Additional applications and approvals are not required as long as activities remain within the identified work area(s), stay within the scope of approved activities, and all permit conditions are met.

An ASEA is required as a condition of an exploration permit for the calendar year in which activities are conducted and may include several periods of activity within the calendar year. For MYAB permits, a MYAB Work Program Annual Update must also be submitted annually. These documents must be submitted by March 31 each year, regardless of whether activities were conducted or not in the preceding calendar year. If activities are to re-commence between January 1 and March 31, the annual reporting documents must be

Multi-Year Area-Based Permitting Policy

submitted at least 30 days prior to the proposed re-commencement of activities.

Annual reporting must be received by the inspector prior to re-commencement of activities. As part of the annual review of these reports, reclamation securities may be adjusted, and/or annual permits (e.g., Explosives Magazine Storage and Use Permit, Free Use Permit, etc.) may be issued.

Annual reporting may be shared with First Nations that assert territory over the project area. The inspector may also share the annual reporting with other agencies or other stakeholders, if deemed necessary.

Site Reclamation

To protect the Crown's assets, MYAB permits will require reclamation security in an amount sufficient to reclaim the site, and proportional to the expected impacts to the site, as per sections 10(4) and (5) of the *Mines Act*. Regular inspections of permitted sites will occur to determine whether the appropriate reclamation work is occurring and whether the scope of the bond is proportional to the amount of disturbance occurring on the site.

Policy Review

This policy will be formally reviewed and updated on an annual basis.