

Proponent Guidance: Jade Transition Period

Contents

Proponent Guidance: Jade Transition Period	1
Purpose	1
Definitions	1
Order in Council 242/2024	2
A. Notice of Work Application Requirements	2
B. Reclamation Threshold for Existing Disturbance	7
C. Reclamation Bond Considerations	7
D. Permit Condition Considerations	8
Attachments:	9

Purpose

This Proponent Guidance is intended to support placer and hard-rock jade operators through the Jade Transition Period and outline the Notice of Work application requirements, along with the permit conditions that will be considered by the statutory decision-maker.

Definitions

“Baseline Report” means a report containing information that would inform/mirror the annual reporting requirements outlined in section D.4.

“Closure Area” means the Northwest Mining Closure Area established by section 2 of Order in Council 242/2024.

“Disturbance Tracking Table” means the spreadsheet to be completed by a proponent to annually track the amount of disturbance and reclamation done in that year, and for reporting and reclamation purposes.

“Item” means any object or tangible thing brought to a site by a proponent.

“Item Inventory Tracking Table” means the spreadsheet to be completed by a proponent to inventory and track the movement of Items on a site, and for reporting and reclamation purposes.

“Jade Transition Period” or **“JTP”** is the operating period, until April 1, 2030, for tenures listed in Schedule 2 of Order in Council 242/2024.

“New Disturbance” means any disturbance of land occurring during the Jade Transition Period, including disturbance of land that has previously been reclaimed.

“Orthomosaic Imagery” means a photogrammetrically orthorectified image products mosaicked from an image collection. A program such as Spexi can be used to easily achieve this with drone imagery (fly.spexigeo.com)

“Qualified Professional” or **“QP”** means an individual who:

- a) is registered, and in good standing, with a professional organization in British Columbia governed under an enactment, and
- b) is acting within the individual’s area of professional expertise.

“Reclamation and Closure Plan” or **“RCP”** means a plan developed by a Qualified Professional addressing requirements related to, but not limited to, the reclamation program required by section 10(1) of the *Mines Act*.

“Riparian Disturbance” means any disturbance that occurs within the natural boundary of any watercourse.

“Road” means a road or trail originating from, or terminating at, points outside the Permit Area, and that has a function other than for the sole purpose of jade mining and is used for other land use purposes. This category can only be used for roads or trails that are proposed to be defined as Exempted under the Reclamation Category Type, or to have reclamation deferred to the latter part of the Jade Transition Period so as not to be included in the annual Reclamation threshold requirements in Part (B.).

Order in Council 242/2024

Order in Council 242/2024 (Attachment 1) allows new jade mining permits to be issued on eligible tenures in the Closure Area, if the following conditions are met (**note** - this list is not inclusive of all content in the OIC):

1. The reclamation program required by section 10(1) of the *Mines Act* to form part of the application for the permit is prepared by a qualified professional.
2. The permit includes at least the following conditions:
 - a) a condition respecting progressive reclamation;
 - b) a condition imposing a limit on new disturbance to land, expressed as a number of square metres;
 - c) a condition respecting reporting on disturbance to land in the Closure Area and reporting on reclamation.

A. Notice of Work Application Requirements

A Notice of Work application should include the following:

1. A Mine Plan, including, where appropriate:
 - a) parts 10.1.1, 10.1.2, and 10.2.2(d) of the *Health, Safety and Reclamation Code*; and
 - b) a Dust, Noise, and Access Mitigation Plan that includes, but is not limited to measures addressing:
 - i. visual and audible sensory disturbances; and
 - ii. identifying potential exclusion areas that could result in changes to accessing harvesting and cultural sites.

2. A Reclamation and Closure Plan (RCP) developed by a Qualified Professional (QP) that includes:
 - a) georeferenced PDF maps and shapefiles showing the permit area, based on the most recent aerial or satellite imagery for the mine site, clearly illustrating, in hectares (ha), all existing disturbed areas by:
 - i. year of disturbance;
 - ii. disturbance type:
 1. CAMP: Camp area
 2. LD: Laydown area
 3. MA: Mining area
 4. TP_TR: Test Pit / trench
 5. PRA: Processing / cutting area
 6. RD: Roads^{1, 2}
 7. SP: Stockpile (ore, soil, waste, etc.)
 8. TRL_UN: Trail – unexcavated
 9. TRL_EX: Trail – excavated
 10. DITCH: Water management feature
 11. WC: Water crossing (point data)
 12. RIP: Riparian Disturbance
 13. DRL: Drill sites
 14. HELL: Helicopter pads
 15. SC: Soil contamination (point data)

iii. Reclamation Category Type:

Reclamation Category Type	Meaning
NI: Not Initiated	No reclamation activities have begun/occurred.
REM: Removed ³	Applies to non-land-based reclamation activities such as the removal of camps, equipment and other Items brought onto the site by the operator.
PRI: Primary Work	Initial reclamation work, including: <ol style="list-style-type: none"> a) area left rough and loose including decompaction where required;⁴ b) backfilling of pits/ponds with coarse tailings material;

¹ Stantec recommendation 5.3 (1) 'Compile a comprehensive geo-spatial file of the existing road and trail network and assign responsibility for reclamation within the Turnagain area that identifies permit responsibilities and reclamation objectives (by segment). The spatial file could also be used to assess new applications, assist with landscape level planning of road use and to identify options for reclamation of roads and trails, where possible.'

² Stantec Recommendation 5.3 (2) 'Create a schedule of road and access trail network reclamation for each mine.'

³ Stantec Recommendation 5.6 (1) 'Implement plans to remove equipment and other mining related debris at closed and abandoned sites.'

⁴ Stantec recommendation 5.2 (5) 'Encourage mine operators to utilize practices to decompact and roughen surfaces to make them more suitable for revegetation.'

	<ul style="list-style-type: none"> c) surface recontouring;⁵ d) overburden and/or fines placement; e) soil remediation; f) stable site conditions mitigating overland flow of water and sediment; g) re-establishment of riparian buffers; and h) salvaged soil placement.⁶ i) Line of sight management for new trails⁷
NR: Natural Revegetation	Natural revegetation of disturbed areas after completion of Primary Work.
AR: Active Revegetation ⁸	Seeding, fertilizing, planting and other revegetation work, other than Natural Revegetation, after completion of Primary Work.
RR: Riparian Reclamation ⁹	Repair of water drainages and reclamation of disturbance to associated riparian buffer areas.
MON: Monitoring ¹⁰	Monitoring of reclamation results following the completion of Primary Work.
REC: Reclaimed	Area has been reclaimed and results meet end land use objectives, permit conditions and legal and regulatory requirements. Requires Qualified Professional to certify that end land use objectives have been met.
EXP: Exempted	No reclamation activities required. Exemption may apply where activities are authorized under other legislation, where roads and trails extend off-tenure and are used by others, with respect to mineral exploration, highwalls, etc.

⁵ Stantec recommendation 5.2 (4) 'Encourage mine operators to backfill and/or contour trenches and pits during reclamation to integrate with the adjacent landscape.'

⁶ Stantec recommendation 5.2 (3) 'Encourage the practice of direct placement of soil mats or other surface material (surface material that may provide a seed bank); where direct placement is not feasible encourage the practice of surface soil salvage (separate from the underlying overburden), stockpiling and replacement during the reclamation phase.'

⁷ Stantec recommendation 5.3 (3) 'Encourage use of access management controls and line of sight management as part of reclamation of roads and trails, where possible.'

⁸ Stantec recommendation 5.4 (1) 'Encourage mine operators to implement practices that assist with revegetation; use active revegetation practices on sites that are more difficult to reclaim.'

⁹ Stantec recommendation 5.5 (5) 'Repair water drainages and associated riparian areas.'

¹⁰ Stantec recommendation 5.4 (3) 'Monitor sites for vegetation establishment at two or three intervals to assess sustainability of vegetation and the ability of a reclaimed site to meet land use objectives and return average land-capability.'

SR: Soil Remediation ¹¹	Remediation of contaminated soils based on point data identifying contaminated area.
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***Please note:** Notify the [Northwest Office](#) to receive a mapping and shapefile package, which can be used as the base mapping for the RCP, Baseline Report, and Annual Reports. The package will contain an estimate of current onsite disturbance. This is only an estimate and is not to be used in the RCP or Baseline Report. It is the proponents’ responsibility to ensure the actual disturbance onsite is recorded and included in the RCP and Baseline Report.

- b) all proposed New Disturbances by type (refer to types in A.2.a.ii);
- c) pre-disturbance land conditions for proposed New Disturbances, including but not limited to:
 - i. soil conditions, land cover, and wildlife habitat;
 - ii. soil volume estimate for implementation of reclamation and re-vegetation plans; and
 - iii. pre-disturbance land capability, considering land classifications based on Western science and where available, Indigenous knowledge;¹²
- d) end land-use objectives that:
 - i. describe land capability, habitat, and cultural uses;
 - ii. identify the indicators, success criteria, and measurements for evaluation of reclamation/revegetation success^{13, 14} for each end land-use objective; and
 - iii. consider land uses based on Western science and where available, Indigenous knowledge;
- e) mitigations for impacts of New Disturbances, including consideration of:
 - i. riparian areas:
 - a) minimizing disturbance to watercourses; and
 - b) minimum setbacks from water and modified riparian areas, including areas affected by crossings, ground disturbance, or within current permit conditions or Code requirements.
 - ii. cultural values in relation to sensitive habitat areas, including Kaska and Tahltan gathering and harvesting areas where locations and uses are known.

¹¹ Stantec Recommendation 5.6 (2) ‘Inspect areas of equipment and debris for contaminated soils and if present create a plan for disposal and/or remediation.’

¹² Stantec recommendation 5.2 (1) ‘Encourage mine operators to document pre-mining land capability at the site-level (e.g., soil conditions; ecosystem and/or land cover); this information is necessary to evaluate the effectiveness of reclamation in returning average land capability on disturbances at the end of mining.’

¹³ Stantec recommendation 5.4 (2) ‘Establish objectives or guidelines (indicators and thresholds) that can be used to evaluate achievement of reclamation objectives (including revegetation across a range of sites and time-intervals).’

¹⁴ Stantec recommendation 5.1 (3) ‘Develop a set of reclamation success criteria, indicators, and associated field measurements and observations that can be used to document and evaluate reclamation and revegetation success of placer and mineral mines and exploration disturbances.’

3. A plan for progressive reclamation of New Disturbances and proposed New Disturbances that covers the duration of the proposed authorization and includes techniques for reclamation.¹⁵
4. A Sediment and Erosion Control Plan that includes, but is not limited to measures addressing:
 - a) surface water management, including a description of how the operator intends to manage waste water from rock cutting to prevent discharge into the environment (if no authorization is being sought from the Ministry of Environment); and
 - b) long-term stability of reclaimed areas.¹⁶
5. An Invasive Plant Management Plan. Potential permit conditions that QP should be aware of when developing the plan include:
 - a) identifying, monitoring, controlling, and documenting invasive plants on site;
 - b) monitoring and treatment records must be made available to an inspector upon request;
 - c) reasonable efforts must be taken to ensure that invasive plants do not migrate from the site to adjacent areas;
 - d) using non-toxic means to control invasive plants, where applicable;
 - e) ensuring that all seed used on-site is certified weed-free; and
 - f) washing all equipment prior to transport to the mine site.
6. A Wildlife Management Plan developed by a QP that includes:
 - a) maintaining a record of wildlife observations.
 - b) Aerial and ground traffic mitigations for wildlife disturbance.
 - c) QP consideration of line of sight management for new trails.

***Please Note:** Existing plans should be updated to include any new permit areas not included in the current version of the wildlife management plan.

7. An Archaeological Mitigation Plan developed by a QP.
 - a) Where available, the proponent should submit to EMLI chance find procedures specific to Kaska Dena and Tahltan, that include provisions to provide notice to Kaska Dena and Tahltan Central Government in the event of an archaeological find.
 - b) The proponent should carry out an Archaeological Overview Assessment over their claims and follow all recommendations in the archaeological report.
8. A Waste Disposal Plan outlining how all waste (garbage, food, human, etc.) onsite will be managed.
9. A Baseline Report that should include:

¹⁵ Stantec recommendation 5.2 (2) 'Encourage the use of progressive reclamation; reclaim disturbances as soon as possible using material salvaged from recent disturbances.'

¹⁶ Stantec recommendations 5.5 (1) 'Limit the time of bare ground conditions after a site has been resloped or graded'; 5.5 (2) 'Roughen slopes to limit erosion'; 5.5 (4) 'Implement measures to reduce the potential for erosion and soil loss on sites during operations and reclamation phases.'

- a) the same georeferenced PDF maps and shape files required in A.2.a) and A.2.b) from the RCP; and ¹⁷
- b) a table itemizing existing physical Items/liabilities onsite and a schedule for their removal (see Attachment 2, Item Inventory Tracking Table).

10. A record of proponent-led Indigenous engagement:

- a) Proponents are encouraged to engage directly with Tahltan Central Government and Kaska Dena as early as feasible, regarding the following values as they relate to an application area:
 - i. pre-disturbance land capability;
 - ii. desired end land uses;
 - iii. cultural values, potential cultural use, and appropriate mitigations; and
 - iv. draft Archaeological Overview Assessment.
- b) Proponents should provide final draft application packages to Kaska Dena and Tahltan Central Government at least 30 calendar days prior to them being submitted to EMLI.
- c) Packages submitted to EMLI without a reasonable opportunity for Indigenous review, response, and where relevant a synopsis of how recommendations have/have not been included (and where not, why) may not be considered to have met the necessary application information requirements, particularly in relation to the values outlined in A.10.a).

B. Reclamation Threshold for Existing Disturbance

- 1. Reclamation threshold requirements for pre-JTP disturbance, per year, proposed by number of years of authorization, completed to all applicable Primary Work requirements:
 - 2 working years in authorization: 50% of reclamation first year, 50% second year;
 - 3 working years in authorization: 30% first year, 35% second year, 35% third year;
 - 4 working years in authorization: 25% first year, 30% second year, 30% third year, 15% fourth year; or
 - 5 working years in authorization: 20% first year, 25% second year, 25% third year, 15% fourth year, 15% fifth year.

C. Reclamation Bond Considerations

- 1. The Province will seek to achieve full bond coverage for the total disturbance (including areas in reclamation categories other than Reclaimed and Exempted) by the end of the JTP, informed by the following proposed schedule:

Working years in permit	Amount of total bond due per year (%)			
	Year 1	Year 2	Year 3	Year 4
2	100			
3	50-60	40-50		
4	35-45	30-40	25	
5	30-40	30-40	15-20	10-15

¹⁷ Stantec recommendation 5.1 (2) Request permit holders to submit geospatial data of mine disturbances and reclamation in their annual reports (if these data are not currently included) to track reclamation liability.

***Please Note:** For permits with two working years, the full bond amount would be due prior to a permit being issued, or by end of first year (the March 31 following the issue of the permit).

D. Permit Condition Considerations

1. Permit conditions should enforce RCP recommendations.
2. Permit conditions should enforce the reclamation targets in the RCP.
3. Permit conditions must limit new disturbance, informed by the following:
 - a) The maximum allowable area of New Disturbance should not exceed 10 ha per permit for the duration of the JTP.
 - b) The average disturbance authorized in previous Mines Act approvals will also be considered in informing a reasonable disturbance cap for each site.
 - c) Unreclaimed New Disturbance must not exceed X ha at any time.

***Please Note:** New Disturbance will be considered unreclaimed until all applicable activities in the Primary Work reclamation category have been completed.

The amount (X) is to be entered into the application, and may be discussed with/amended by the mines inspector during technical review.

4. Annual reports should include the following:
 - a) Updated Baseline Report (renamed to Annual Report), including:
 - i. updates to the georeferenced PDF maps and shapefiles required in the Baseline Report (see A.2.a and A.2.b above);¹⁸
 - ii. current year georeferenced aerial Orthomosaic Imagery showing disturbance and reclamation undertaken, exported to JPEG or TIFF format (Ideally a small drone such as a DJI Mini, for example would take photos at ~60-120m above ground level, perpendicular to ground level.); and
 - iii. an updated Item Inventory Tracking Table (Attachment 2) and a schedule for removal of Items;
 - b) updated Disturbance Tracking Table (Attachment 3);
 - c) updated plan for progressive reclamation (as required in the RCP) of New Disturbances; and
 - d) completed Annual Summary of Exploration Activities / Annual Summary of Placer Activities reports.
5. Annual reporting should be submitted by December 15th of each year and reviewed by May 31st of the following year. Note that review does not mean acceptance.
6. Prior to work proceeding the following year, it should be required that the annual report be approved by a mines inspector.

¹⁸ Stantec recommendation 5.1 (2) Request permit holders to submit geospatial data of mine disturbances and reclamation in their annual reports (if these data are not currently included) to track reclamation liability.

Attachments

- Attachment 1: Order in Council 242/2024.
- Attachment 2: Item Inventory Tracking Table.
- Attachment 3: Disturbance Tracking Table.