

**PROVINCE OF NEW BRUNSWICK
DEPARTMENT OF NATURAL RESOURCES**

Minerals and Petroleum Development Branch

**GUIDE TO THE MINE APPROVAL PROCESS
IN NEW BRUNSWICK**



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1. INTRODUCTION

It is the intent of this guide to outline the mine approval process in New Brunswick and the necessary documentation to obtain a mining lease.

2. STANDING COMMITTEE ON MINING AND THE ENVIRONMENT

The Standing Committee on Mining and the Environment (SCME) presents a 'one window' approach to permitting issues, such as Mine Lease Approvals, Environmental Impact Assessments (EIA), and Certificates of Approval. The SCME also serves as the focal point for government activities related to the mineral sector.

The objective of the SCME is to provide timely and consistent technical review of approvals related to mineral exploration, mine development, mine operation, and temporary and permanent mine closures as required by the policies and regulations of the Province of New Brunswick.

The SCME comprises representatives from Department of Natural Resources, Department of Environment and Local Government, and Environment Canada.

3. THE APPROVAL PROCESS

The mine approval process is illustrated in Figure 1. The process involves several key steps:

1. proposal of mine concept;
2. submission of the Feasibility Study and the Mining and Reclamation Plan;
3. formal presentation to the SCME;
4. EIA Process (governmental review);
5. determination of reclamation security;
6. Department of Natural Resources approval for the mining lease; and
7. Department of Environment and Local

Government watercourse alteration permit(s), approval to construct, approval to operate.

3.1 Proposal of Mine Concept

The mine approval process is initiated when a proponent submits an expression of interest to develop a mine property. The expression of interest can be communicated by letter or by directly contacting the Director of the Mineral and Petroleum Development Branch, Department of Natural Resources.

An initial meeting is then organised and the proponent presents the concept on the mining project to the SCME. At this point the proposal is conceptual in nature with the intent to provide initial feedback and introduce the requirements of the mine approval process.

The SCME will offer direction on obvious issues, deficiencies and concerns to assist the proponent in developing the required project documentation. The proponent is asked to emulate the guides to writing the Mine Feasibility Study and the Mining and Reclamation Plan.

3.2 Required Documentation

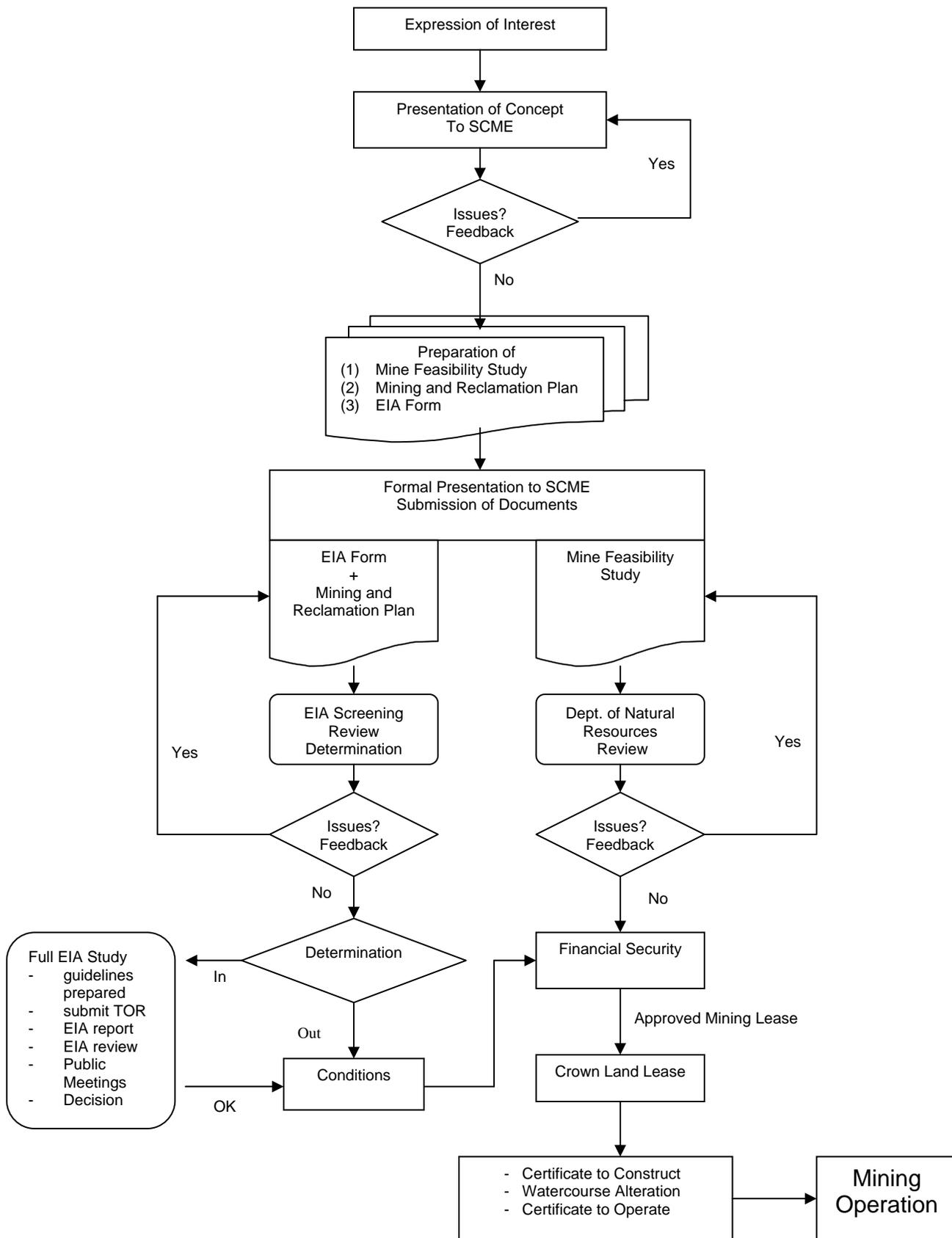
The main documentation required for mine approval includes the:

1. Feasibility Study
2. Mining and Reclamation Plan
3. EIA Registration Form – Available from the Department of Environment and Local Government.

Five copies of the Feasibility Study and the Mining and Reclamation Plan are submitted to the SCME. The EIA Registration Document is completed and the Mining and Reclamation Plan is attached to the Form for EIA screening.

There is no legislated time frame for the entire approval process to be completed. The EIA process has a 30-day legislated response time but with feedback and revisions this process can take longer. The 30-day response time is for reviewing documentation and providing questions and comments back to the proponent. This is an iterative process that continues until all issues associated with the environmental review are addressed. It is important that the initial submission be as complete as possible to facilitate the process.

FIGURE 1. Mine Approval Process



3.2.1 Mine Feasibility Study

The information required for the Mine Feasibility Study is summarized in the Guide to Development of a Mine Feasibility Study. The main objective of the feasibility report is to ensure that the mineral resource will be utilized in a responsible and sustainable manner for the benefit of the Crown and the people of New Brunswick.

Although the Mine Feasibility Study is submitted to the SCME, it is the Mineral and Petroleum Development Branch alone that reviews the document in order to meet the requirements of the *Mining Act* and Regulations. The study remains as a confidential document in the possession of the Department of Natural Resources.

There is no legislative time frame for review of a Mine Feasibility Study.

3.2.2 Mining and Reclamation Plan

The Mining and Reclamation Plan should satisfy requirements of the *Mining Act* and Regulations, the *Clean Environment Act* and concerns arising from the EIA determination. The information required for the Mining and Reclamation Plan is summarized in the Guide to Development of a Mining and Reclamation Plan.

The EIA registration guide can be obtained from the Department of Environment and Local Government for registering a proposal. The Mining and Reclamation Plan would be submitted as an attachment to the Registration Document for EIA screening and review.

Under EIA regulation, all projects involving the commercial extraction of a mineral are required to be registered and screened. The screening determines whether a project has potential for significant environmental impact and whether the project will be subject to a full EIA review. The EIA process allows the plan to be reviewed by a Technical Review Committee comprising provincial and federal government agencies with legislation and mandates that may be applicable to the proposed mining activities. Any issues, deficiencies or concerns that arise during the EIA screening must be addressed to the satisfaction of the Minister of Environment and Local Government.

If it is determined that a full EIA is *not* necessary, or

that the mining project is 'screened out' of the EIA process, the Minister will notify the proponent that the undertaking may be carried out subject to terms and conditions.

If a full EIA study is determined to be necessary, the Minister will notify the proponent and then make notification in the Royal Gazette and/or other public notice which may be issued on this subject. The principal objective of the EIA study is to identify possible impacts, should the project proceed.

For a full EIA, a Review Committee appointed by the Minister of Environment and Local Government then works closely with the proponent to develop draft guidelines for the study and leads them through the process. The proponent gathers information for the EIA, according to the guidelines and terms of reference. There is opportunity for public review and comment in this formal process.

3.3 **Financial Security**

The SCME will determine the requirements for financial security after the Mine Feasibility Study and Mining and Reclamation Plan have been accepted in principal.

The Minister of DNR requires an amount of security based on the cost of performing site reclamation if the proponent is unable to fulfill its obligation at any time during the course of mining. The cost estimate to perform the reclamation is provided by the proponent in the Mining and Reclamation Plan.

The forms of security acceptable to the Minister of Natural Resources are:

1. a deposit of money,
2. a negotiable bond signed over to the Province,
3. an irrevocable letter of credit from an acceptable lending institution,
4. a bond from an insurance company, or
5. another form of security acceptable to the Minister of Natural Resources.

3.4 **Approvals, Permits, and Leases**

Final approval of an application for a mining lease will be issued by the Minister of Natural Resources after receiving approval of the Mine and Reclamation Plan from both the

Minister of Agriculture, Fisheries and Aquaculture and the Minister of the Environment and Local Government.

After the mining lease is approved, a surface industrial lease is obtained from Crown Lands Branch, Department of Natural Resources, if the project occurs on Crown land.

Other approvals required which might be applicable to a mining project are:

1. Watercourse Alteration Permit,
2. Certificate of Approval to Construct, and
3. Certificate of Approval to Operate.

The Department of Environment and Local Government should be contacted for further information about these approvals and permits.

All metal mines and gold mines are also subject to the federal government's Metal Mining Effluent Regulations under the *Fisheries Act*, which are administered by Environment Canada. These regulations set out effluent discharge limits as well as effluent monitoring and reporting requirements. There are also requirements for aquatic environmental effects monitoring studies. The application of these regulations to a mining project will be coordinated through the SCME and the Environment Canada representative on the committee.

Generally, approvals will have conditions attached, which the proponent must comply with for the approval

to remain in effect. In particular, the Approval to Operate will set out the water and air quality limits for operations, as well as the required monitoring and reporting requirements.

4. SITE CLOSURE

It is recognised that a practical reclamation strategy may change from the inception of a mining project due to unforeseen changes in the mining plan, site conditions or improving technology. If there is significant change in a reclamation strategy near the end of the mine life then the proponent will be asked to resubmit a Closure Plan to the SCME.

The process is essentially similar to the mine approval process except a feasibility study is not required. An EIA Registration may also be applicable depending on the significance of the changes involved with the closure plan.

The reclamation security may be released after reclamation is completed depending on the project and state of mine closure. A holdback is also normally required during a monitoring period where the success of the reclamation is gauged.

In the case where long-term water treatment and site maintenance is necessary, a financial security will be withheld according to the expected annual operational cost and estimated duration of treatment.

A site is deemed in a walk-away condition when no further environmental monitoring and water treatment is necessary, and the site does not contain public safety hazards.