

Closure and abandonment

Final reclamation and closure follows mine development and production, and generally involves returning a site to a stable, non-polluting state. In many cases, end land use objectives developed early in a project will inform reclamation and closure plans. “Closure” also refers to a regulator decision to consider a site “closed,” which means the proponent is no longer responsible for the site.

Generally, the abandonment of a site occurs when a proponent leaves a site with no intention of returning, after failing to satisfy all the requirements of a licence. If this happens, the Yukon government steps in and takes responsibility for the site.

We want to see improved closure planning, long-term monitoring and maintenance, and reporting. We also want to consider how closure decisions are made. In the event a site is abandoned, we want the government to be able to respond quickly and effectively.

We recognize the distinctions between the quartz and placer sectors in the Yukon. And although we don’t always identify different potential approaches for each sector below, we know that a consideration of the differences between the quartz and placer sectors for closure and abandonment will be important as we determine which approaches to pursue.

Interests

Improved closure planning

Legislation should address closure planning requirements for all projects, as well as processes for the review and approval of closure plans.

Closure and post-closure responsibilities

Legislation should make it clear when proponents remain responsible for closure and post-closure activities.

Closure and post-closure activities should be effectively monitored and regulated.

Legislation should set out when closure is complete and when a proponent is no longer responsible for a site.

Response and management of abandoned sites

Legislation should enable government to identify and respond to abandoned sites in an efficient and cost-effective way.



Potential approaches

Authorizing closure activities

We are considering the ability to issue licences that address only closure and post-closure activities, including long-term monitoring and maintenance. Currently, these activities are licenced as part of production licences. Alternatively, legislation could allow existing production licences to be extended to carry out these activities.

Monitoring and reporting, including long-term monitoring

We are considering that new legislation enable the regulator to impose long-term monitoring and reporting requirements on a project-specific basis. Legislation could also set out the types of infrastructure or other permanent features that would require long-term monitoring and reporting. Long-term monitoring and reporting could also be required in specific areas like those with higher environmental sensitivity or cultural significance.

We also need the ability to address issues or matters that might be observed through monitoring and reporting. Closure activities might need to change in response to changing environmental conditions, monitoring results or to better meet end land-use objectives.

Sites under the care and control of government

If a proponent abandons a site, the Yukon government assumes responsibility for the interim care and maintenance, and for final reclamation and closure of the site. There is typically a period of interim care and maintenance before regulators decide to advance reclamation of the site, or attempts to sell/transfer the site to a new proponent.

It is important that the government is able to use the equipment, facilities and infrastructure already on site to maintain and close the site in an efficient and cost-effective way. We are considering approaches that will ensure government can use site equipment, facilities and infrastructure to care, maintain, and close the site.

Closure planning

If a proponent abandons a site, Yukon government might need to develop a new closure plan with new closure objectives. One approach could be to make the decision about whether new closure objectives are needed with affected Indigenous governments and develop new objectives and a new plan with Indigenous governments, if needed. This could help to identify ways that Indigenous governments and communities can benefit from closure projects.

Determination that closure is complete



New minerals legislation

We are thinking about different ways to determine when site closure has been achieved, and how that determination is formalized. One way could be to continue to have the ability to issue a closure certificate.

We could also look at having a fee associated with obtaining closure certification to cover any foreseen monitoring and maintenance costs, any unforeseen costs associated with the site, or a failure of closure measures.

Once closure is achieved, a proponent may no longer be responsible for the site, but there could be circumstances where complete closure is not always an option, such as when a site has infrastructure or permanent features that require significant management, monitoring or maintenance in perpetuity.

There maybe circumstances where we want a site, or components of a site, to remain closed. Consequently, we are considering approaches that could withdraw the land from future mineral exploration or development activities.

Ensuring liabilities and closure requirements are transferred

If a site is sold or transferred to another proponent, the government needs assurance that liabilities and closure obligations are transferred as well. The new proponent would be responsible for maintaining the site under previous requirements and returning the site to the agreed upon end land-use objectives.

Questions

9.1 Do you think the approaches we're considering will improve the management of abandoned sites? Please explain.

9.2 Do you have any thoughts or concerns about the approaches we're considering for abandonment, or additional things that you think we should consider?

9.3 How important is reporting on reclamation and closure efforts and spending of security?

