

Reclamation

Reclamation is a key part of the mining process for both placer and quartz operations. In new legislation, we want clear reclamation requirements for proponents. We also want to ensure reclamation efforts are successful. While reclamation is a requirement for all operations, we recognize that there may be a need to implement requirements differently for exploration, placer mining and quartz mining operations.

We want to make sure that Indigenous governments are part of reclamation planning. This will help provide benefits for communities, and respect and uphold Indigenous values and future use of the land.

There are also sites that were not reclaimed. We want to prevent this from happening again in the future.

Interests

Reclamation requirements

Proponent requirements must be clear and there should be consequences if requirements are not met.

Reclamation planning and plan review and approval

Planning should consider many factors and involve First Nations governments and affected communities.

Reclamation monitoring and reporting

Reclamation activities should be regularly monitored and reported on.

Reclamation of abandoned sites

Tools are also needed for those sites that were not reclaimed by their owners in the past.

Potential approaches

Reclamation requirements

We want to have clear reclamation requirements that reinforce the importance of progressive reclamation (clean up as you mine).

We could require progressive reclamation for all licences. Flexibility during certain project phases, such as mine construction, may be necessary.



Encouraging, rather than requiring progressive reclamation is another possible approach. This would allow for flexibility in project planning. With this approach, there is a risk that proponents will wait until the end of their operation before completing any reclamation. If they abandon sites, there may be more things left behind for government to address.

We're also considering penalties for proponents who fail to reclaim a site. We could develop tools that mean proponents who do not reclaim their sites are banned from participating in the mining sector in the Yukon in the future. We could also make it that they lose their mineral tenure (i.e., claims or leases) if reclamation work is not completed within a certain amount of time.

These changes could provide stronger enforcement options and discourage non-compliance of reclamation responsibilities.

Reclamation planning requirements and plan review and approval

We're trying to determine the best way to set requirements for reclamation planning.

One way is to require a reclamation plan from every proponent when they apply for a licence.

Another way would be to require reclamation planning only for projects over a certain threshold. For projects under the threshold, pre-established reclamation standards would apply, but a full reclamation plan would not be needed. This would be less resource intensive for proponents, enforcement agencies and Indigenous governments. One challenge with setting thresholds is that involvement may be limited.

Reclamation plans could include: baseline data, environmental, socio-economic and cultural impacts, impacts to Indigenous rights and how these impacts will be reduced through reclamation, reclamation objectives, timelines and schedules for reclamation, and other information as required.

These plans would improve reclamation results. The information in the plan would support consultation with Indigenous governments and engagement with affected communities. But this approach could be resource intensive for smaller projects.



Reclamation monitoring, reporting and response and completion

We're considering ways to improve reclamation monitoring and reporting. Given the differences between placer mines, quartz exploration projects, and quartz mines, there may be a need to implement monitoring and reporting differently for each sector.

We could require proponents to track and report on reclamation efforts annually or on specific events or milestones. This second approach would be less resource-intensive and allow for greater flexibility. But it might offer less oversight, limit the ability to track progress, and be less effective in meeting land use plan reporting needs.

We're also looking at the best way to remove the liabilities on a mining company once reclamation is complete. This is linked to the closure of a site and the return of security.

One approach is to allow proponents to complete reclamation work after their licences expires. Production and development activities would have to stop. Once proponents meet the reclamation objectives, they would no longer be responsible for their sites.

Alternatively, proponents could be responsible for their sites for a set period following the expiry of their licences. If we see that a proponent is not on track to meet the reclamation objectives, we could determine how much longer reclamation efforts and monitoring are needed.

There are trade-offs to either approach. The first approach creates a risk that reclamation objectives will never be met. The alternative approach could provide a clearer timeline for when reclamation would be complete, but if objectives are not clear, it could be hard to measure progress. As well, more capacity would be needed both to develop and to review reclamation plans.

When transferring sites to new proponents before reclamation is complete, we're considering the need for a step to ensure that the new proponent take on the reclamation obligations of the previous proponent and that the new proponent is able to carry out this work.

Reclamation of abandoned sites

We're considering potential approaches to address abandoned sites.

We could enable or encourage the reclamation of abandoned sites in legislation. For example, legislation could include "good Samaritan" clauses. This would allow a third party to reclaim the site without taking on the liability. In exchange, we could offer some sort of benefit like credit to renew their mineral tenure.



When Government steps in to reclaim an abandoned site, there may be instances where it is appropriate for Government to develop a long term reclamation strategy prior to beginning work. In other instances, risks to people, infrastructure or the environment may mean that work needs to begin right away. We could also require that Government report on its reclamation efforts and spending of security or other funds. This would increase transparency in relation to the management of abandoned sites.

We are also considering improving the tools we have that allow us to transfer abandoned sites to a third party. In some circumstances, this could be the most effective way of addressing these sites.

Questions

8.1 Do you think the approaches we're considering will improve reclamation and closure outcomes? Please explain.

8.2 Do you have any thoughts or concerns about the approaches we're considering for reclamation and closure, or additional things that you think we should consider?

8.3 How important are the following to you:

- progressive reclamation
- reclamation and closure reporting
- public access to reporting about reclamation and closure

Please explain.

