

Major Mines Authorizations Guide

January 2023
Version 1.1



Ministry of
Energy, Mines and
Low Carbon Innovation



Major Mines Authorizations Guide

Version 1.1

First Published May 2022

Updated January 2023

This document replaces the *Proponent Guide to Coordinated Authorizations for Major Mine Projects* published November 15, 2013.

This document provides information regarding authorizations for major mines in British Columbia. Although references are made to legal requirements, the content of this document should not be interpreted as legal instructions or legal advice. Users of this document should refer directly to official copies of the legislation to determine legal requirements and seek their own legal counsel when case-specific interpretations are needed.

Warranty

While every effort has been made to ensure the accuracy of the information in this document, no warranties of any kind are made as to the precision or longevity of the contents. This information is provided as a public service by the Province of British Columbia. This document and all of the information it contains are provided "as is" without warranty of any kind, whether express or implied. All implied warranties, including, without limitation, implied warranties of merchantability, fitness for a particular purpose, and non-infringement, are hereby expressly disclaimed.

Limitation of Liabilities

Under no circumstances will the Province of British Columbia be liable to any person or business entity for any direct, indirect, special, incidental, consequential, or other damages based on any use of this information or any other document or material to which this document is linked, including, without limitation, any lost profits, business interruption, or loss of programs or information, even if the Province of British Columbia has been specifically advised of the possibility of such damages.

Major Mines Authorizations Guide

Version 1.1

Contents

Introduction.....	1
Part 1: B.C.'s Mining Laws.....	3
1.1 Regulatory Context.....	3
<i>Mineral Tenure Act and Coal Act</i>	5
<i>Environmental Assessment Act</i>	8
<i>Mines Act</i>	12
<i>Environmental Management Act</i>	17
<i>Water Sustainability Act</i>	20
Other authorizations (federal, provincial and local governments).....	21
1.2 Regulatory Continuum.....	24
Progressive reclamation.....	28
Compliance and enforcement.....	28
Part 2: Relationships with Indigenous Nations	30
2.1 Building and Maintaining Relationships.....	31
2.2 B.C.'s Duty to Consult and the Role of Proponents	34
Part 3: <i>Mines Act</i> Applications	38
3.1 Project Factors.....	38
Impacts.....	39
Quality	39
Relationships with Indigenous Nations	40
Public engagement.....	41
Scope	41
Schedule	42
Resources	42
Costs.....	43

3.2 <i>Mines Act</i> Permitting Processes	44
Notices of deemed authorization	45
Departures from Approval.....	46
Non-coordinated permit amendments	47
3.3 Coordinated Authorizations.....	50
Mine review committees	52
Submissions and fees	53
Coordinated authorizations process.....	54
Glossary.....	65
Resources	74
Appendix A: Structure of B.C. Ministries that Oversee Mine Authorizations.....	80
Appendix B: Key Activities Requiring Authorizations	81
Appendix C: Example MRC Comment and Response Tracking Table.....	83

Major Mines Authorizations Guide

Version 1.1

Introduction

Mining is a vital component of British Columbia's (B.C.'s) economy, with an estimated production value of over \$7 billion in 2020. The industry provides more than 30,000 direct or indirect jobs across the province and helps provide products that the world uses everyday. As the primary regulator of mines, the Province of B.C. is tasked with building a strong, sustainable and innovative mining sector while protecting human and environmental health.

Mining activities have the potential to significantly impact communities and the environment. For example, a mine closure could result in job losses, or a mining company's reclamation efforts could create new habitats on previously disturbed land. Because of these potential impacts, mining projects often garner interest and involvement from diverse groups. Permitting processes enable the Province of B.C. to consider and evaluate the impacts that a mining project may have before it is allowed to proceed.

This Major Mines Authorizations Guide (this Guide) is intended to provide information to mining companies, Indigenous nations, citizens, and anyone who may have interest in how the Province authorizes major mine operations. The term "major mine" is used to distinguish moderate- to large- scale mineral and coal mining operations from the other types of operations that are defined as mines under B.C.'s *Mines Act*: including sand and gravel pits, quarries, and placer mines. While some of the information in the Guide is applicable to these smaller operations, the primary focus is on major mines.

This Guide is divided into three parts, designed to take the reader from the broad regulatory framework that shapes B.C.'s mining authorizations down to the specifics of processes for construction and operations permits under the *Mines Act*.

Part 1: B.C.'s Mining Laws walks through the key laws in B.C. that govern mining activities: namely the *Mineral Tenure and Coal Acts*, *Environmental Assessment Act*, *Mines Act*, *Environmental Management Act* and *Water Sustainability Act*. These Acts are supported by regulations and codes, which apply broadly to all operations, as well as site-specific authorizations. Administering these laws is the responsibility of several Provincial ministries. The B.C. mining regulatory continuum, described in Section 1.2, illustrates how each of these laws and ministries work together throughout a mine's life.

The importance of lasting and respectful relationships with Indigenous nations is the focus of Part 2: Indigenous Relationships. While the Province of B.C. is constitutionally obligated to conduct formal consultation about how natural resource decisions may impact Aboriginal Interests, there

are other engagement and communication activities needed to effectively take into account the interests of Indigenous nations with respect to mining projects in their territories. Part 2 provides a starting point for mining companies to understand what their roles are in building and maintaining strong relationships. This Part also outlines the key types of agreements that the Province has with Indigenous nations to inform engagement practices and to ensure that impacts are avoided or mitigated and that benefits flow to Indigenous communities.

Part 3: *Mines Act* Applications is intended for mining companies who are looking to submit permitting applications under the *Mines Act*. Different permitting paths are available, depending on the scope and nature of the proposed project. Section 3.3 details the coordinated authorizations process, which is used for large and complex projects – particularly those involving authorizations under both the *Mines Act* and the *Environmental Management Act*.

The information in this Guide is largely a consolidation of cross-ministry resources. Links are provided throughout the document and readers are encouraged to follow these to find further details on each subject.

The regulation of mines involves an intersection of disciplines with strong interests and inputs from governments, Indigenous nations, industry, and the public. As regulatory requirements, the environment, and communities change so do the demands of regulatory oversight. The Province of B.C. strives to strike a balance and pursue the best path forward for all British Columbians, while continuously improving major mine authorizations processes.

Part 1: B.C.'s Mining Laws

1.1 Regulatory Context

Like all provinces in Canada, the Province of B.C. is responsible for governing and delivering essential services like health care, education, land and freshwater use, and public safety. Laws are used to establish the boundaries for certain activities, especially activities that have the potential to impact many people. How these services are governed and delivered is prescribed by a hierarchy of laws, shown in Figure 1.

Acts are at the top of the hierarchy, and include the *Mines Act*, *Water Sustainability Act*, and *Environmental Management Act*. An act sets high level requirements and includes provisions that are broadly applicable for the given subject area. Acts also create the authority for regulations, codes and authorizations to be enacted.

After an election, the Lieutenant Governor in Council (on advice of the Premier) appoints the ministers and the acts for which they are each responsible. These ministers make up Cabinet, which decides the policies and direction of the province and administers the day-to-day operation of government..

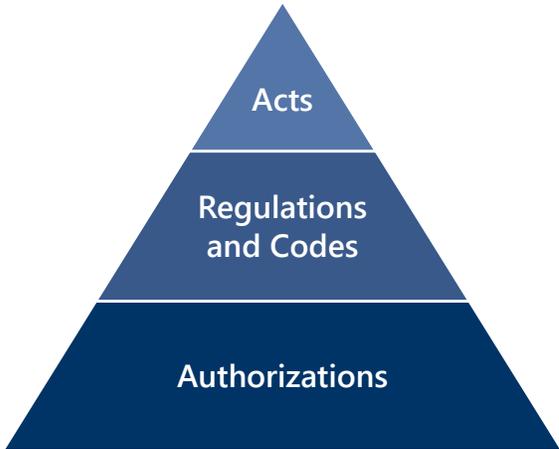


Figure 1. Hierarchy of laws

Shown in **Appendix A: Structure of B.C. Ministries that Oversee Mine Authorizations**, the current Provincial ministers responsible for Acts that most closely regulate mining include:

- **Energy, Mines and Low Carbon Innovation (EMLI)**, which is responsible for the *Mines Act*, *Mineral Tenure Act*, *Coal Act*, and the *Mining Right of Way Act*;
- **Environment and Climate Change Strategy (ENV)** which is responsible for the *Environmental Management Act*, and the **Environmental Assessment Office (EAO)** which is responsible for administering the *Environmental Assessment Act*; and,
- **Forests (FOR)** which is responsible for the *Water Sustainability Act*, *Land Act*, *Forest Act*, *Forests and Range Practices Act*, *Forests Practices Code of British Columbia Act*, and the *Heritage Conservation Act*.

Acts start out as Bills, which are introduced and debated in the Legislature. If passed, the Bill becomes a law when it receives Royal Assent from the Lieutenant Governor. Some laws may be brought into force immediately, while others are brought into force at a later date.

Regulations and codes are subordinate legislation made under the authority of an Act. While an act provides the overarching policy and framework, a regulation gives more detail. There are different types of subordinate legislation, such as codes of practice and proclamations. The Health, Safety and Reclamation Code for Mines in British Columbia (HSRC), for example, has the force of a regulation and is enabled by the *Mines Act*.

Generally, the Lieutenant Governor has broad authority to make regulations under provincial laws on the recommendation of Cabinet. The parent Act may alternatively designate that the minister responsible can make regulations, usually for more technical or administrative sections.

Authorizations (e.g. licences, permits and certificates) allow activities that are otherwise prohibited by law. For example, under the *Mines Act*, persons are not allowed to work in, on or about a mine unless a permit is in place. The authorization sets out specific conditions or operating standards for the regulated activity.

The parent Act or regulation will state who issues a given type of authorization. Since authorizations can be highly technical and specific to a single individual or business, they are typically issued by public officials who have expertise in that field. These officials are known as **Statutory Decision Makers (SDMs)**. In some circumstances, a minister may be the decision maker, as is the case for Environmental Assessment Certificates.

Did You Know?

B.C.'s natural resource ministries are responsible for approximately 130 Acts and 330 regulations – this doesn't include the thousands of authorizations that are issued to regulated parties by the Province. All B.C. laws are [available online here](#).

Ministry policy and procedures are not usually a form of legislation, but can help provide consistency and improved certainty for service delivery across the Province. They are strategic and operational tools used to facilitate the implementation and administration of legislation, regulations, and other strategic policy decisions of government. These policies may include decision-making processes, principles, and standards for the delivery of ministry programs and services. These are highly variable in terms of purpose and flexibility.

The following subsections describes the key laws used by the Province of B.C. to govern mining activities. **Appendix B: Key Activities Requiring Authorizations** outlines further details of regulated activities and their associated authorizations.

Mineral Tenure Act and Coal Act

Mining companies use a variety of techniques to investigate the potential of mineral and coal resources buried beneath the earth's surface and to collect baseline data of the natural environment; techniques include geological mapping and surveying, geochemical testing and sampling, drilling and ground stripping, and field observations. Bulk sampling is a primary technique that involves the one-time extraction of ore to test its metallurgical properties, milling methods and equipment, and potential markets.

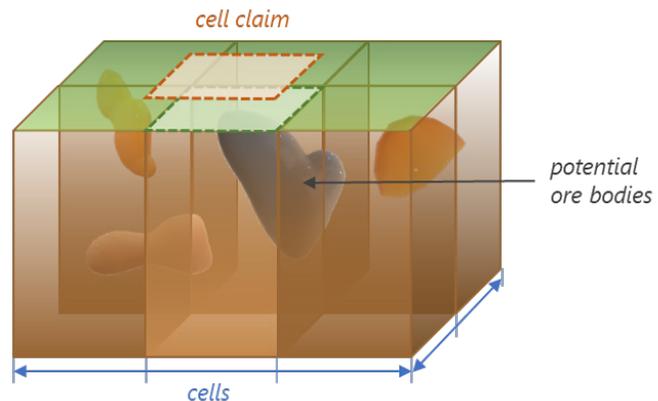


Figure 2. Mineral titles grid system

The *Mineral Tenure Act* and *Coal Act* enable persons in B.C. to acquire the rights to minerals, placer minerals, and coal resources. Mineral claims and leases, placer claims and leases, and coal licences and leases, and are collectively referred to as "titles". Both the *Mineral Tenure Act* and *Coal Act* prescribe the titles that persons must obtain prior to exploration activities, including their associated rights and restrictions.

The Mineral Title Online Grid Regulation of the *Mineral Tenure Act* establishes a grid system that is applied to the entire province. Each section of the grid is called a cell, which range from approximately 16 to 21 hectares. Illustrated in Figure 2, claims correspond to one or more cells to which a person holds a claim – these are called "cell claims".

Coal titles are similarly managed with a grid system, but have slightly different terms (e.g. "units" instead of "cells") to reflect the language used in the *Coal Act*, which uses the Petroleum and Natural Gas Grid.

Mineral titles are administered through B.C.'s [Mineral Titles Online \(MTO\)](#), where users can search, map, and acquire mineral titles.

In order to acquire a mineral claim, a person must first obtain a **free miner certificate (FMC)** under the *Mineral Tenure Act*. An FMC gives the holder the right to acquire and maintain mineral and placer titles, and to access the title area during exploration and development. An FMC does not allow for activities such as constructing buildings, hunting or fishing, or any other purposes that are not directly related to mineral or placer exploration. FMCs do not apply to coal titles.

Additional Resources

- [Mineral Exploration and Mining](#)
- [Mineral Titles](#)
- [Mineral Titles Online](#)
- [Mineral and Coal Exploration NoW Application Companion](#)
- [Handbook for Mineral and Coal Exploration in British Columbia](#)
- [FrontCounter BC](#)

A **mineral claim** gives the recorded holder of the claim the right to explore for and develop mineral resources located within the cell claim. The Mineral Tenure Act Regulation sets out requirements that apply to keep claims in good standing from year to year. For example, claims expire after one year and must be maintained through registered exploration and development work or payment. Section 17 of the Regulation further limits the volume of ore that can be extracted for production (continuous extraction for profit) and bulk samples (one-time extraction for testing):

- The production limit is restricted to a maximum of 1,000 tonnes per year of ore from each cell claim for mineral titles; and,
- The bulk sample limit is restricted to a maximum of 10,000 tonnes once every five years for minerals.

Similarly, a **coal licence** holder has the exclusive right to explore for and develop and produce Crown owned coal resources. Coal licences must be renewed from year to year by payment of annual rental and submission of a report of any exploration on the licence area. Mining and removal of coal from a licence area for testing purposes requires a *Mines Act* permit and is limited to 100,000 tonnes.

Moving from exploration to production requires a mineral or placer claim or coal licence to be converted to a lease. **Mining, placer and coal leases** do not have production limits and do not have requirements for registering work that exist for mineral and placer claims and coal licences. Leases maintain the subsurface title rights of holders while allowing them to engage in mine production and reclamation activities if permitted under the *Mines Act*. Title conversions should be considered prior to the initiation of primary permitting processes (eg. coordinated authorizations).

Generally, work on cell claims or coal licences is limited to activities that cause no or negligible disturbance. Mechanized work and other activities that fall under the definition of a mine under the *Mines Act* require a permit under the *Mines Act*. Table 1 below outlines the mineral and coal exploration activities that typically can be undertaken without a *Mines Act* permit versus those that do require a *Mines Act* permit. Exploration activities that require a *Mines Act* permit are applied for through a Notice of Work application. Further information about the *Mines Act* is provided later in this Section.

Table 1. Exploration activities that typically* do or do not require a *Mines Act* permit

Exploration activities that <u>do not typically</u> require a <i>Mines Act</i> permit	Exploration activities that <u>do typically</u> require a <i>Mines Act</i> permit
<ul style="list-style-type: none"> • Airborne geophysical surveying; • Baseline data acquisition, such as mapping, taking photos, and measuring water quality; • Ground geophysical surveying without the use of exposed electrodes; • Establishment of grid lines that does not require the felling of trees. If tree felling and/or vegetation disturbance is proposed, an authorization under the <i>Forest Act</i> may be required; • Geological and geochemical (soil or rock) sampling conducted using hand-held tools; • Pitting, trenching, drilling, or channel cutting using hand-held tools, consistent with the following: <ul style="list-style-type: none"> ○ no use of explosives or expanding grout; ○ the total volume of each pit or trench does not exceed 3 cubic metres in volume; ○ each pit or trench does not exceed 1.2 metres in depth; ○ the cumulative total of all un-reclaimed pits and/or trenches does not exceed five pits and/or trenches at any one time; and, ○ not conducted within a stream and/or the riparian setback. 	<ul style="list-style-type: none"> • Mechanical disturbance or excavation of the ground; • Construction or modification of exploration access; • Exploration drilling (either helicopter-access or road-access); • Ground geophysical surveying with the use of exposed electrodes (induced polarization or “IP” surveying); • Construction of buildings other than bunkhouses, cook houses, and related residential facilities; • Other activities including but not limited to blasting, extracting, processing and/or concentrating; • Storage and/or disposal of mining waste; • Reclamation associated with these activities.

**Proponents should confirm with EMLI staff whether their specific project requires a Mines Act permit*

Before any surface disturbance is carried out, potential archaeological and heritage concerns need to be identified, appropriate assessments may need to be carried out, and necessary permits may need to be obtained. Meeting the requirements of the *Heritage Conservation Act* requires early contact with the Heritage Conservation and Archaeological Branch of FOR. Other authorizations may be required, like free use permits under the *Forest Act* to cut timber.

Mineral, placer, and coal titles are managed by the Mineral Titles Branch within EMLI. The SDM for mineral, placer, and coal titles is the **Chief Gold Commissioner**. Upon registration of a lease application, Mineral Titles staff will contact the applicant respecting the type of survey that must be completed and may request more information to assist with the review of the application. Upon approval of the survey, the lease application must be publicly advertised in B.C.’s Gazette and in a local newspaper.

Environmental Assessment Act

Large mining projects have the potential for significant environmental, economic, social, cultural and health effects. In British Columbia, when a proposed project meets criteria thresholds, such as size, it must undergo an **Environmental Assessment (EA)**. EAs are managed by the **Environmental Assessment Office (EAO)**, which administers the process and authorizations legislated under the *Environmental Assessment Act (EAA)*.

Additional Resources

- [Environmental Assessments](#)
- [EAO Project Information Centre](#)
- [Environmental Assessment Process](#)
- [Impact Assessment Agency of Canada](#)

There are three ways a mining project can be identified as requiring an EA Certificate:

- (1) the project meets or exceeds the thresholds established in the Reviewable Projects Regulation, a regulation under the *EAA*;
- (2) the Minister responsible for the *EAA* designates the project (currently the Minister of Environment and Climate Change Strategy); or
- (3) the proponent opts-in to the EA process.

Most projects trigger an EA by meeting or exceeding the thresholds in the Reviewable Projects Regulations. For mining projects, thresholds are based on volume of production and area of new land disturbance. Illustrated in Figure 3, new mine project triggers an EA if they produce equal to or greater than 250,000 tonnes/year of coal or 75,000 tonnes/year of mineral ore during operations. Existing mines trigger an EA if they meet those production volumes and the project results in new land disturbance that is at least 50% of the area that was previously disturbed.

Did You Know?

Under the *EAA*, **reviewable projects** must first obtain an Environmental Assessment Certificate before any other authorizations associated with that project can be issued.

The EA process is a series of eight phases with key deliverables throughout, resulting in a detailed assessment report. The assessment report is then given to provincial Ministers to make a decision



Figure 3. Environmental Assessment volume thresholds for coal and mineral mining projects

on whether to grant. If the decision is positive, the project will receive an **Environmental Assessment Certificate (EA Certificate)**.

Environmental Assessment Process Phases

1. Early engagement

The Early Engagement phase provides an opportunity for all participants to better understand the project and establish a foundation for the rest of the EA. Early Engagement is an important preparatory phase where meaningful conversations aim to identify engagement approaches, potential interests, issues, and concerns early on and chart a path for resolution. The EAO begins working with participating **Indigenous nations** to customize consensus seeking approaches with each nation for the rest of the EA process.

2. EA readiness decision

Using the information provided by the Early Engagement phase, a decision will be made on whether a project should proceed to an EA during the Readiness Decision. Occasionally, a project may be terminated or exempted from an EA, by a Minister's decision. Participating Indigenous nations have an opportunity to provide a notice of their consent or lack of consent if the recommendation is to exempt or terminate the project from the EA process.

3. Process planning

Process Planning formalizes how the EA must be carried out, including: identifying the required information and defining roles and responsibilities. A Process Order is issued at the end of the phase to set the scope, procedures, and methods of the EA. A Regulatory Coordination Plan is developed that identifies the required permits for the project and outlines how the information generated in the EA will support subsequent permitting processes.

4. Application development and review

During Application Development, the proponent works with participating Indigenous nations and government ministries to develop their application for an EA Certificate. Early feedback on data collection or analysis can help to identify and resolve key issues, reducing the potential for delays later in the process.

During Application Review, the EAO, participating Indigenous nations, a Technical Advisory Committee (a committee composed of government ministries and members from Indigenous nations), and Community Advisory Committee review the application, and direction is provided to the proponent on revisions that should be reflected in a revised application. The direction includes the results from public engagement on the application and any matters regarding advice provided by the Technical Advisory Committee or Community Advisory Committee.

5. Effects assessment

An effects assessment of the project is conducted, resulting in development of a draft assessment report and draft EA certificate. These drafts reflect engagement with participating Indigenous nations, the Technical Advisory Committee, and the Community Advisory Committee. Before referral to Provincial decision-makers, the public will have an opportunity to comment on the draft assessment report that describes the potential effects of the project, and

the draft EA Certificate and associated legally binding conditions the proponent must follow for the life of the project, should a Certificate be issued.

6. Recommendation

Recommendations to inform Provincial decision-makers are made. Participating Indigenous nations have the opportunity to provide notice of their consent or lack of consent on the recommendation to decision-makers.

7. Decision

There are three key decision makers under the *EAA* for mining projects: the Chief Executive Assessment Officer, the Minister responsible for the *EAA*, and the Minister responsible for the *Mines Act*. The **Chief Executive Assessment Officer** is within the B.C. Public Service and is empowered to make process decisions throughout the assessment. The latter two decision makers are currently the Minister of Environment and Climate Change Strategy and the Minister of Energy, Mines and Low Carbon Innovation. The Ministers are responsible for major project decisions such as project designation, termination, and approval.

Once the referral package is submitted to the Ministers, the Ministers must consider the assessment report, the Chief Executive Assessment Officer's recommendations, the sustainability and reconciliation purposes of the EAO and any other matters they consider relevant to the public interest. If the recommendation does not align with a notice of consent or lack of consent from a participating Indigenous nation, Ministers must offer a meeting to that participating Indigenous nation.

Ministers can decide to issue a certificate, or refuse to issue a certificate, and are required to publish reasons for their decision. If the Ministers' decision does not align with the notice of consent or lack of consent, reasons must be provided.

8. Post certificate

If an EA Certificate is issued, post-certificate activities include mitigation effectiveness reports and may include audits, certificate amendments, extensions, and transfers. Once an EA Certificate is obtained, other permits associated with the project can be issued – such as those under the *Mines Act* and the *Environmental Management Act*.

Concurrent approvals

In the past, the *Environmental Assessment Act* (2002) allowed proponents of a reviewable mine project to apply for concurrent review of applications for authorizations under other enactments (e.g. *Mines Act* permit) while undergoing environmental assessment. The new *Environmental Assessment Act* (2018) does not prescribe a concurrent approvals process.

Proponents may still choose to initiate permitting processes prior to receiving their EA Certificate; however, other authorizations cannot be issued until after an EA Certificate is issued. Since the conditions of an EA Certificate can impact the mine's design and plan, it is typically recommended that permitting processes do not start until late in the EA process when conditions are known.

Federal impact assessments

The federal *Impact Assessment Act* may also apply to projects that meet or exceed the thresholds established in the Physical Activities Regulations. Alternatively, the federal Minister of Environment and Climate Change Canada may designate a project that has the potential to cause adverse direct or incidental effects within federal jurisdiction or if there are public concerns about the effects. If a federal environmental assessment is required for a mine project, the assessment is undertaken by the Impact Assessment Agency of Canada (IAAC).

When a project falls under both provincial and federal environmental assessment responsibility, there is currently an agreement in place between B.C. and Canada which ensures that the two governments will carry out a single, cooperative environmental assessment while retaining their respective decision-making powers. This means provincial and federal ministers make independent decisions on whether to issue an EA Certificate from a single report.

EA versus Permitting

The Environmental Assessment process is designed to collect and consider a breadth of information during the conceptual phase of a project: including the environmental, economic, social, cultural, and health effects.

Permitting focusses on the technical details of projects, ensuring that final plans and designs meet health and safety standards and protect human and environmental health.

The conceptual level of information and assessment typically required for the EA process is usually not sufficient to fully satisfy the information and assessment requirements for permitting level authorizations.

Proponents may want to consider carrying out a more detailed level of information collection than is required to the EA process in preparation for making permit applications. In particular, *Mines Act* and *Environmental Management Act* permits frequently require detailed baseline sampling programs and protocols, often of a seasonal nature over several years.

Proponents could potentially save time and resources by collecting permitting level baseline data during the EA process prior to initiating the permitting process. However, project design flexibility during the EA is important in order to accommodate feedback from reviewers.

Mines Act

Mines are heavy industrial sites and are often located in remote and rugged areas of the province. Mines must be properly managed to ensure the health and safety of workers, communities, and protection of the environment. The *Mines Act* and its regulations, including the Health, Safety and Reclamation Code for Mines in British Columbia (HSRC), establish the minimum standards that all mine operations must follow in order to protect human and environmental health.

The *Mines Act* regulates all mining activities in British Columbia – from early exploration to development, production, reclamation, closure, and post-closure. As such, permitting activities occur throughout the life of a mine, typically with changes (amendments) made to the initial construction and operations permit that was issued.

There are two key SDMs under the *Mines Act*: the **Chief Inspector of Mines (CIM)** and the **Chief Permitting Officer (CPO)**. The CIM's primary focus is on health and safety, inspections and investigations, and compliance and enforcement. The CPO is responsible for permitting decisions under the *Mines Act*. The *Mines Act* is currently within the responsibility of EMLI.

Exploration activities

As previously shown in Table 1, many exploration activities require a permit under the *Mines Act*. Authorizations for exploration activities are made through **Notice of Work (NoW)** applications. There are two types of NoW authorizations:

- (1) **Site-specific authorization** allows applicants to carry out proposed exploration activities over a period of one to five years. Applicants must identify the exact locations, proposed disturbance and timber cutting for each proposed activity over the entire authorization period. At the end of each year, proponents are required to submit an annual summary outlining the activities (including reclamation) completed during that year. If the proposed activities or locations change, the proponent will need to obtain a permit amendment.
- (2) **Multi-year area-based (MYAB) authorization** allows proponents to move exploration activities within a certain overall work area. For the first year, activities, locations, proposed disturbances and timber cutting must be identified in a 'year 1 mine plan' with consistent maps (showing the overall work area), and reclamation costs for this work. For the subsequent years of the authorization, the NoW application does not require exact locations, disturbances and timber volumes to be mapped, but the work proposed to be completed in those years must be described in the NoW application in sufficient detail for reviewers and the decision maker to understand and evaluate the potential impacts. While

Additional Resources

- [Mineral and Coal Exploration NoW Application Companion](#)
- [FrontCounter BC](#)
- [BC Mine Information Site](#)
- [Mine Permitting](#)
- [Exploration Permitting](#)
- [Constructions and Operations Permitting](#)
- [Permit Amendments](#)
- [Notices of Deemed Authorization](#)
- [Departures from Approval](#)

applicants do not need to be certain of the precise locations of activities beyond Year 1, there should be certainty of the geographic area within which all future work will fall (if it changes later on, a permit amendment will be required).

NoW applications are made through FrontCounter BC and are administered by Regional EMLI Offices. After initial intake and screening, the application undergoes technical review and is referred to Indigenous nations. An EMLI mine inspector, with delegated authority from the CPO, will complete their review and make a decision on whether to authorize the proposed activities, and if so, what permit conditions may be appropriate, including reclamation **bonding**. Comprehensive information about NoW applications is available in the [Mineral and Coal Exploration Notice of Work Application Companion](#).

Construction and operations activities

Permits for construction and operation activities regulate all components of a mine including production volumes, infrastructure, health and safety, mine plans and areas, reporting requirements, and reclamation requirements including bonding. This section describes the types of approvals for construction and operations activities under the *Mines Act*; [part 3 of this Guide provides more detail about the permitting processes](#).

Mines Act Permit Process

[Part 3 of this Guide](#) details permitting processes under the *Mines Act*.

The construction and operations permit stays with a mine site from initial development work to the time when all reclamation work is satisfactorily fulfilled. Permits under the *Mines Act* are not transferable without approval, therefore when a mine is bought or sold, the new owners must apply to the Chief Permitting Officer to have the legal name on the permit changed through an amendment. Additionally, the reclamation security bond will also need to be provided by the new owner before the permit can be amended. With a statutory decision to amend the permit, the new owner becomes the regulated permittee and assumes all responsibilities and liabilities associated with that mine.

Some mines may be greenfield projects in which a new *Mines Act* permit must be created. In other cases, new technologies and investment, information about deposits, and market prices change the economics of a project – resulting in the re-opening or expansion of existing sites. In these circumstances, a mine site that already has a permit could undergo amendments, rather than have a new permit created.

Mines Act permit applications

Mines Act permits regulate the works and activities that occur on a specific mine site, along with the *Mines Act* and the HSRC which apply to all mines in British Columbia. An application must be made to the CPO to issue a new permit or to amend an existing permit.

If a permit is issued, the *Mines Act* permit commonly references the application documents as part of the approved works and activities. Therefore, the content of applications must contain high-quality and detailed information about the proposed project.

All applications undergo review by Provincial technical experts, often including geotechnical, geoscience, reclamation, health and safety, water management, hydrology, hydrogeology, and biology subject matter experts. Reviewers may provide comments on an application such as clarification or information requirements to better understand the risks and impacts of a project, and recommendation of permit conditions.

Did You Know?

Information about major mines in B.C. is publicly available on the [B.C. Mine Information](#) site. This website includes authorizations, compliance inspection reports, and monitoring reports associated with each mine.

Indigenous nations are also invited to review permit applications. Participation of Indigenous nations ranges from notification to deep level consultation, and potentially joint decision making, depending on the nature and location of the project and any applicable agreements or treaties.

Stakeholders, such as local governments and community associations, may be directly invited to participate in an application review if they are impacted by the project. In some circumstances when a project is near another province or territory or the US-Canada border, neighbouring jurisdictions may participate in an application review. The CPO may also require that the proponent publish a notice in B.C.'s *Gazette* and in local newspapers regarding the application. The public then has 30 days to view the application and to submit written comments to the CPO.

The CPO considers the comments and recommendations of technical experts, Indigenous nations, stakeholders, and any other participating reviewers when making their decision. Often, permit conditions will be included regarding the scope, requirements, and nature of the work and activities.

An application must be made if a proponent wishes to change any component of their *Mines Act* permit unless the changes meet the criteria of a deemed authorization or a departure from approval – which are described in the following subsections.

All construction and operations permit applications for coal and mineral mines are managed by the EMLI Major Mines Office (MMO) and must be submitted through the MMO's intake email permrecl@gov.bc.ca.

Departures from approval

Under Section 10.1.18 of the HSRC, written approval from the CPO is required for any substantial changes to an existing mine plan and reclamation program. This type of approval is known as a **departure from approval** (also called a **notice of departure**).

Following the [Departure from Approval Guidance for Major Mine Permit Holders guidance document](#) and [self-assessment form](#), the proponent should assess whether the proposed activity is considered a **substantial** or **non-substantial departure** from the existing mine plan. Site-specific factors may result in differing levels of risk associated with a proposed departure at one site in comparison with a similar departure at another site. The responsibility rests with the proponent to assess the site-specific risks and impacts associated with a proposed departure.

If the activities are considered non-substantial, written approval is not required from EMLI and the proponent may proceed with the activity. The proponent must document and retain the rationale, including the completed self-assessment form.

Upon inspection, EMLI may determine that an activity that the proponent deemed to be non-substantial is instead substantial. In this case, the proponent may be required to provide additional information, implement additional mitigations, or seek written authorization for the activity. If mitigations are inadequate or work related to the notice of departure is found to be non-compliant with the regulations or permit, compliance actions may be taken. Where there is uncertainty, proponents should assume that a proposed activity is substantial.

For activities that a proponent determines to be substantial, the proponent must submit written notification to EMLI to obtain approval. No works can commence until written authorization is received.

All departures from approval for mineral and coal mines are managed by the MMO and must be submitted through [MineSpace](#). Upon receipt, EMLI staff will review the information provided within the departure from approval application. EMLI may ask clarifying questions about the proposed departure, and it is expected that the proponent will provide comprehensive responses to questions raised by reviewers. EMLI will inform the proponent in writing if the proposed work is approved through a Notice of Departure Authorization Letter.

Other ministries and Indigenous nations may be notified as part of the review process. The CPO may determine that the proposed work is already contemplated under the existing authorization and that no changes to the permit are required. If there are impacts on Aboriginal Interests and written authorization is required, Indigenous engagement and consultation must take place; this will normally be undertaken as part of a permit amendment.

Deemed authorizations

The purpose of **deemed authorizations** is to allow activities that pose very low health, safety or environmental risk when carried out under an existing *Mines Act* permit to occur without the need for further amendments. Notifying and providing required information to EMLI allows the Province to oversee these activities, which are prescribed under the Permit Regulation of the *Mines Act* and are limited to:

- (1) **Induced polarization (IP) surveys using exposed electrodes** where a permit for exploration activities is held. IP surveys are a non-invasive way to better understand the availability and location of subsurface resources.
- (2) **Extending the term of mineral or coal exploration activities by up to two years.** In undertaking mineral or coal exploration activities, proponents often cannot complete permitted activities within the permit timeframe due to various conditions. Under the regulation, the timeframe for permitted activities may be extended by up to two years where a proponent holds a mineral or coal exploration permit.
- (3) **Exploration drilling and IP surveys within the permitted area of disturbance of an operating mine.** Over the life of a mine, a proponent may conduct additional exploration within the permitted mine area, to extend the production life of the mine or discover additional mining opportunities. Under the regulation, exploration drill programs and IP surveys may be undertaken where the activity will occur within the permitted mine area of a producing mineral or coal mine that is currently operating.

Proponents are required to notify EMLI prior to undertaking an activity that is captured under a deemed authorization. Notification must be submitted electronically through FrontCounter BC at least 30 days prior to undertaking the activity, or in the case of permit term extensions, at least 30 days before the end date of the permit.

Notifications will be reviewed by EMLI to ensure the information requirements are met. Once a notification is confirmed by EMLI, it will be referred to Indigenous nations at least 15 business days (21 calendar days) prior to the end of the 30 day notification period. Unless a proponent hears from EMLI to the contrary, the proponent may consider their notification complete and at the end of the notification period may begin the activity on or after the start date indicated in their notification. A notice of deemed authorization is not required for exploration drilling or IP surveys within the permit boundary where this work was contemplated by the existing permit, or where the work is considered to be a non-substantial under the notice of departure policy.

The CPO, including delegates, may order that a deemed authorization does not apply if the CPO considers it necessary to protect health, safety, the environment, or a cultural heritage resource. Where an order is made that a deemed authorization does not apply, a proponent will be required to apply for a new permit or a permit amendment to conduct the activity. By requiring this, EMLI can ensure that additional conditions beyond those for deemed authorizations can be required of a proponent. Notices of deemed authorization do not apply to proponents who are subject to an enforcement order made under Section 35 of the *Mines Act* or enforcement proceedings under Section 37 of the *Mines Act* – meaning that those proponents must apply for a permit amendment.

Environmental Management Act

The Province of B.C. is responsible for the protection, management and conservation of the Province's water, land, air and living resources. Managing discharges to the environment from human activities is a key part in effectively protecting human and environmental health.

The *Environmental Management Act (EMA)* is the primary piece of legislation that enables the Province of B.C. to regulate the introduction of waste to receiving environments. The Waste Discharge Regulation of the *EMA* defines prescribed activities which cannot discharge waste to the environment without site-specific authorization. Both mineral and coal mining are listed as industries that require permits or other authorizations to discharge or release waste to the air, water, or land. The *EMA* is under the mandate of the B.C. Ministry of Environment and Climate Change Strategy (ENV).

Directors appointed under the *EMA* are the SDMs on waste discharge authorizations. Applications must be submitted via email to the PermitAdministration.VictoriaEPD@gov.bc.ca inbox. Mining application are managed by the ENV Environmental Protection Division Mining Team.

Registrations

Proponents may be required to submit a **registration** to ENV for a regulated activity, such as sewage discharge exceeding a discharge rate of 22.7 cubic metres per day, fuel storage or hazardous waste handling, treatment, recycling, storage, transportation and disposal. Generally, the registration process includes submitting a form containing basic information about the activity, and other supporting reports and plans. The registrant will receive acknowledgement of the accepted registration and will be provided with a unique registration number if all information is complete. If the registration information is incomplete, it will be returned and the proponent will not be registered. An applicant may re-apply any time by providing all required information and plans.

Notifications

A **notification** is a written notice or submission for certain regulated activities, where a proponent must submit specific information to ENV. In some cases, a notice must be submitted within a certain time frame, either before or after a discharge occurs. Depending on the specific regulation, ENV may not need to adjudicate the notification in order for a discharger to proceed.

Approvals

An **approval** sets the terms under which discharge may occur for a particular facility, activity, or operation. Approvals can only be issued for short-term periods up to a maximum of 15 months. An approval may be amended, suspended, or cancelled, and will automatically expire at the end of its term; it cannot be renewed. For example, an approval may be issued for a temporary discharge.

Additional Resources

- [Waste Discharge Authorizations](#)
- [Find Authorization Information](#)
- [Apply for a Waste Discharge Authorization](#)

Waste discharge permits

A **waste discharge permit** is a site-specific authorization granting permission to discharge waste to the environment from a prescribed industry or activity, as defined under the Waste Discharge Regulation. A mine may have multiple permits for different air, effluent (liquid) and solid waste discharges from the site. In addition to the provisions of the *EMA* and its regulations, the terms and conditions of permits typically include: limiting the quantity and quality of waste contaminants, monitoring the discharge and the receiving environment, authorizing works associated with the discharge, and reporting information to ENV. Permits are ongoing authorizations and may be amended, transferred to other dischargers, suspended, or cancelled.

Waste discharge authorizations process

Applications for waste discharge authorizations under the *Environmental Management Act (EMA)* are managed according to either a simple or complex approval process, depending on the nature of the application.

1. Simple process

The simple process is for waste discharge applications that are less complex and technical in nature, including some registrations and notification processes, and minor administrative amendments to existing authorizations such as: name and address changes, transfers, and cancellation of air and effluent permits. The process has three phases: intake, screening and completion.

Intake

- Application fees are processed and forms are reviewed to ensure they are administratively complete.
- Incomplete applications are returned to the applicant.
- Complete applications are entered and tracked in the ministry's database.

Screening

- Application is reviewed to ensure a more detailed review is not necessary.
- Applications are processed if they are complete.

Complete

- Data entry of technical information.
- Confirmation of acceptance of registration, authorization amendment or cancellation of registration or permit is sent to the client.

2. Complex process

The complex process is for waste discharge applications that require technical assessments and reviews by ministry staff to inform authorization decisions.

These are applications for activities described in the Waste Discharge Regulation under the *EMA* that require a permit or approval (new or amended), as well as registration under the Municipal

Wastewater Regulation and Hazardous Waste Regulation. The complex process consists of four phases: intake, preliminary application, screening, and review and decision.

Intake

- Application fees are processed and forms are reviewed to ensure they are administratively complete. If applications are complete, they are entered into the Ministry database, and assigned a tracking number.
- Incomplete applications are returned to the applicant.

Preliminary application

- The ministry will confirm the application package requirements that are needed to support a statutory decision.
- The ministry will contact the applicant and provide an **Application Instruction Document (AID)**. The AID instructs the proponent of process requirements for the application, including Indigenous nations engagement, public notification and information requirements. The AID may include an **Information Requirements Table (IRT)**, which details the specific information requirements that must be included in the application.
- The applicant has up to 36 months from the date the tracking number is assigned to submit a complete final application.

Screening

- Ministry staff confirm that the required technical information listed in the AID is sufficient for the application to be assessed.

Review and decision

- A detailed review of the application package is conducted to ensure all technical components are included, along with record of public and Indigenous nations engagement.
- Formal consultation with Indigenous nations is conducted by the Province.
- Proposed terms and conditions are developed by staff for the Statutory Decision Maker's consideration, and a draft authorization document is created.
- Statutory Decision Maker reviews all materials and makes a decision on the authorization request.
- Applicant is notified of the outcome of the decision.

Coordinated authorizations

Many projects require permits under the *Mines Act* and under the *Environmental Management Act* – for example, a *Mines Act* permit to construct and operate an outfall and an *EMA* permit to discharge from it. It is possible to first obtain the *Mines Act* permit to construct works without authorization to discharge under an *EMA* permit, however, the *EMA* authorization must be obtained before discharge commences. It is strongly recommended that projects requiring both types of permits follow the **coordinated authorizations** process, described in Section 3.3, so that all applications are reviewed and decisions are made simultaneously.

Water Sustainability Act

The increase in population growth, the expansion of industry and agriculture, and the potential for climate change impacts all place enormous pressure on the Province's water supply. In 2016, the provincial government made changes to the rules governing the use of surface water and groundwater. The *Water Sustainability Act (WSA)* is designed to protect B.C.'s water supply and make sure it is managed now and in the future.

B.C. manages water use through water authorizations, which allow licence holders to divert, use or store surface water or groundwater, or to make changes in and about a stream.

Water licences and approvals are issued for water use purposes supporting agriculture, commerce, domestic household requirements (surface water only), habitat conservation, industry, natural resources development, power production, water storage and water supply.

FOR issues licences and approvals, and holders must comply with provincial, local and in some cases federal regulations. Water managers designated under the *WSA* are the SDMs on water authorizations. Applications are made through [FrontCounter BC](#) and managed by the FOR Regional Offices.

Water licences

Water licences allow licensees to divert, store and use specific quantities of water for one or more water use purposes. A water licence may also authorize works related to the diversion and use of the water.

Terms and conditions associated with water licences include the purposes for which the water may be used, the maximum quantity of water that may be used or stored, the time of year during which the water may be used, and the authorization to construct works to divert and convey the water from the stream to the place of use.

Use approvals (short term use)

Use approvals, often called **short term use (STU)** approvals, allow the diversion and use of water from a stream or an aquifer, and the temporary construction of works on the stream or aquifer, for a period of up to 24 months. STUs have similar terms and conditions

Did You Know?

When the *Water Sustainability Act* came into force in 2016, it marked an important step in the modernization of provincial water law. It replaced the *Water Act* of 1909. While the *Water Act* evolved over the 20th century, it became increasingly clear that a major update was needed to address the new challenges of the 21st century, including climate change, population growth and increasing pressure on water resources.

Additional Resources

- [Water Licencing and Rights](#)
- [Water Licences and Approvals](#)
- [Environmental Flow Needs](#)
- [Regional Timing and Windows](#)
- [FrontCounter BC](#)
- [Dam Safety](#)

to water licences, including the volume of water and the purpose.

Change approvals

A **change approval** is written authorization to make complex changes in and about a stream. Change approvals are granted with terms and conditions attached. The terms and conditions may relate to the time of year in which the work may be done, the hydraulic integrity of the stream channel, and the rights of water users and landowners downstream.

Water authorizations process

Water licences, use approvals, and change approvals undergo a similar review process consisting of three phases: receiving the application, review and consultation, and decision.

1. Receiving the application

The application is reviewed to make sure that it is complete. More information may be requested. Applications will not be accepted for review until all required information is received.

2. Review and consultation

Applications undergo a technical review to make sure there is enough water at the source to issue an authorization without affecting the existing water rights of others, or harming the water supply and aquatic ecosystem. Applicants may be contacted for additional information such as habitat assessments and plans and designs for constructed works. Considering **environmental flow needs (EFN)** is mandatory under the *WSA*. EFN is the amount of water needed to keep aquatic ecosystems healthy.

Other government agencies, affected landowners, and licensees may be notified of the application and given the chance to respond. Indigenous nations in the area may also be consulted.

3. Decision

The water manager may refuse part or all of the application, require additional information and assessments, or grant all or part of the application and issue either a conditional or a final licence.

Other authorizations (federal, provincial and local governments)

Authorizations under the *Mineral Tenure Act*, *Coal Act*, *Environmental Assessment Act*, *Mines Act*, *Environmental Management Act* and the *Water Sustainability Act*, as described above, are some of the most common authorizations associated with mining activities. However, they are not the only authorizations that proponents may need to acquire, for both on and off the mine site. This subsection outlines some of the other federal, provincial and local government laws that may apply to mining projects.

Federal

Both the federal and provincial governments have interest in and jurisdiction over natural resources and environmental protection in Canada: including mining promotion, pollution and waste management, Indigenous relations, wildlife and habitat conservation, transportation, and international relations. Some of the key pieces of federal legislation that apply to mines include:

- *Fisheries Act*, which provides protections for fish and fish habitats, including fish bearing streams. The *Fisheries Act* includes the Metal and Diamond Mining Effluent Regulations, which regulates deleterious substances from metal and diamond mining operations;
- *Explosives Act*, which regulates the possession and storage of explosives;
- *Impact Assessment Act*, which requires new mines or mills to undergo an Impact Assessment; and,
- *Migratory Birds Convention Act*, which protects migratory birds and their habitats.

Additional Resources

- [Government of Canada: Mining](#)
- [Natural Resources Canada](#)
- [Fisheries and Oceans Canada](#)
- [Environment and Climate Change Canada](#)
- [Impact Assessment Agency of Canada](#)

Provincial

In addition to the laws detailed previously, proponents may be required to obtain authorizations under other provincial statutes in order to conduct regulated activities:

- *Land Act*, which regulates the use of Crown land. **Tenure** is required to use or occupy Crown land, including surface activities for exploration and the construction of utilities like transmission lines.
- *Forest Practices Code of BC Act*, which allows for the construction and maintenance of mining access roads on Provincial forest land under a **special use permit**.
- *Heritage Conservation Act*, which protects heritage and cultural sites. A **heritage inspection permit** may be required to assess the archaeological significance of a site. A **heritage investigation permit** is required to obtain archaeological information that may be lost as a result of site alteration or destruction. Archaeological sites must not be altered or changed without a **site alteration permit**.
- *Forest Act*, which regulates tree harvesting:
 - The CPO has the authority to issue **free use permits** for up to 50 cubic metres of Crown timber associated with the clearing of trees for exploration and mining activities. If a proponent is completing a Notice of Work, the Free Use Permit can

Additional Resources

- [Crown Land Uses](#)
- [Land Use - Mining](#)
- [Special Use Permits](#)
- [Archaeology Permits](#)
- [Free Use Permits](#)
- [Occupant Licences to Cut](#)
- [Highway Use Permits](#)
- [Health Operating Permits](#)
- [Onsite Sewerage Systems](#)

be generated as part of that process. If a person already has a *Mines Act* exploration permit, they should submit a NoW to amend the permit to include tree cutting. If more than 50 cubic metres of timber is to be harvested, an occupant licence to cut application must be completed and submitted to the FOR for approval by the District Manager.

- **Occupant licences to cut (OLTCS)** are issued for the cutting, or cutting and removal of Crown timber. In all cases, the applicant must hold a right to occupy and use the land being harvested such as through a right of occupation, a lease, or a special use permit.
- *Wildlife Act*, which requires a **general permit** for possessing, trapping or killing wildlife or destroying birds nests.
- *Transportation Act*, which requires a **highway use permit** to create access to a highway.
- *Public Health Act*, which protects human health, includes the Food Premises Regulation and the Sewerage System Regulation. A **health operating permit** is required for operating food services. Onsite sewerage systems, such as holding or septic tanks, may require filing with or obtaining a permit from the regional health authority.
- *Drinking Water Protection Act*, which regulates drinking water supplies including wells. **Water supply construction and operation permits** must be obtained from the regional health authority.

Local government

Local governments play an important role in providing regional utilities, waste management, land use and community planning, and emergency services. Proponents should check with local governments for any bylaws or plans that may impact their project.

Local governments and community associations often also participate in application reviews and are connected to community interest groups and other stakeholders.

Section 1.1 Regulatory Context Summary

The Province of B.C. regulates mines through several Acts, codes, regulations and authorizations. Acts are the highest form of legislation; they are supported by more detailed regulations and site-specific authorizations. The *Mineral Tenure Act* and *Coal Act* regulate exploration activities, under which proponents must obtain tenure for sub-surface resources. Projects that meet certain thresholds or are otherwise designated must obtain an Environmental Assessment Certificate under the *Environmental Assessment Act* before any permits for that project can be issued. The *Mines Act* and the Health, Safety and Reclamation Code for Mines in B.C. (HSRC) minimize risks to health, safety and the environment by regulating all activities and works on a mine site. Air, effluent, and solid waste discharges must be permitted under the *Environmental Management Act*. Water licences, short term use approvals, and change approvals are issued under the *Water Sustainability Act* to manage the use of freshwater resources including groundwater. Mines may be subject to other federal, provincial and local government laws.

1.2 Regulatory Continuum

The laws that govern mining operations are administered by different ministries within the Province of B.C. As such, proponents will work with different parts of government through the mine's life. Additionally, each ministry plays both a permitting and a compliance role to ensure that mines are operating within the provisions of their authorizations. Shown in Figure 4, the **B.C. mining regulatory continuum (regulatory continuum)** illustrates the chronological sequencing of cross-ministry authorization and compliance activities as they relate to the life of a mine.



Figure 4. B.C. mining regulatory continuum

The ministries that are responsible for the administration of key statutes applicable to major mines are part of the regulatory continuum: including EAO, EMLI, ENV, and FOR. While the Ministry of Indigenous Relations and Reconciliation (MIRR) and the Ministry of Land, Water and Resource Stewardship (LWRS) do not administer operational permits and compliance activities, they are included in the regulatory continuum due to the importance of B.C.'s relationship with Indigenous nations and strategic planning and initiatives.

The intention of the regulatory continuum is to distill the regulatory framework associated with mines in a logical and informative manner. This helps governments, industry, Indigenous nations, and the public to better understand each other's roles in the context of the bigger picture of mine oversight. The continuum follows five mine development stages and identifies the authorizations that are commonly required during each: exploration, feasibility and planning, development, construction and operations, and final reclamation and closure.

Mine development stages

Exploration

Searching for mineral deposits is the first step of the mining lifecycle. During this stage, large areas are often evaluated by airborne or ground-based surveys, such as those conducted by

the B.C. Geological Survey. These surveys provide important geological and geoscientific information about mineral and coal resources and potential. This information encourages investment in mineral and coal exploration by helping prospectors and companies target promising areas. The physical search for mineralization can include:

- Geological, geochemical and geophysical assessments;
- Construction of exploration access and camps;
- Sampling by drilling, trenching, excavating or blasting; and
- Evaluation of samples to determine economic viability.

If the results of initial exploration of a deposit are positive, a company may decide to move to the advanced exploration stage. Advanced exploration is more intensive and expensive than initial exploration, and the main objectives are to define the quality and quantity of potential ore and to determine the most suitable mining and processing techniques.

Feasibility and planning

The feasibility stage begins once exploration activities indicate that a mineral or coal deposit is worthy of further evaluation. Using the estimated mineral/coal reserve as a basis, feasibility studies assess the technical, legal and economic viability of developing the deposit. Advanced exploration often goes on during the feasibility stage and may result in adjustments to mineral reserve estimates. Activities during this stage may include feasibility studies, environmental assessments, and engineering analysis to determine business viability and raise financing. This stage also involves designing the potential mine site including the mine footprint, methods, buildings, and infrastructure.

Construction

Once a mine project receives the necessary authorizations, construction can begin. First, site preparation activities, such as cutting trees and clearing and stripping overburden (e.g. rock and soil), are conducted. Once the site is ready, construction of the mine, associated buildings and structures, and infrastructure such as roads and bridges, can take place.

Operations

The operation phase begins once a mine is constructed and starts producing. Mining operations include extraction and processing of ore as well as waste disposal and ore transport.

Temporary Shutdown – Care and Maintenance

For some mines, economic conditions may lead to a period of temporary shutdown. Site management and maintenance of environmental and health and safety aspects is on-going during this phase. The mine permit holder is responsible for the site during care and maintenance, including monitoring and maintaining compliance with regulatory requirements.

Final reclamation and closure

Mine closure is the final phase of the mining lifecycle. A mine's life comes to an end once production reserves are exhausted or it is no longer economically viable to continue extracting resources from the site. Shutdown and decommissioning of a mine involves removing equipment (e.g., vehicles, processing equipment), dismantling facilities (e.g., mills, workers'

quarters), reclaiming the landscape, and safely closing all mine workings. *Mines Act* permits include site-specific conditions regarding detailed closure and reclamation plans.

Post Closure

Following final closure, management and oversight of the environmental and health and safety aspects of the mine site is on-going. End land use requirements are prescribed through the *Mines Act* permit, HSRC, and, if issued, the Environmental Assessment Certificate. Environmental monitoring continues for as long as required based on the approved reclamation plans, sometimes up to 100 years. Some or all of the reclamation bond may be released once the site meets the end land use objectives to the satisfaction of the Chief Inspector of Mines.

As described in Part 2 of this Guide, both informal and formal engagement with Indigenous nations is a critical part of mining in B.C. Engaging early on in the exploration process will help both proponents and Indigenous nations understand each other's interests, concerns, and opportunities for collaboration. Active engagement should then be carried on throughout the life of mine.

The stages of the mine's life from exploration to closure involve different types of authorizations. Table 2 below details the types of authorizations that proponents typically must obtain during each stage. Reclamation activities occur throughout the life of a mine – whether reclaiming advanced exploration sites or closing an entire mine (e.g. final reclamation). Reclamation requirements are primarily prescribed under the HSRC, *Mines Act* permit, and the EA Certificate (if one is issued). Progressive reclamation and compliance and enforcement activities occur throughout the life of mine and are further described later in this Section.

For mines undergoing an Environmental Assessment (EA), the phases between EA and initial permitting may overlap. For example, a permitting process may be initiated when an EA is still underway, once final mine design and potential impacts, is better understood.

Table 2. Provincial authorizations typically required during each mine development phase.

Exploration	<i>Mineral Tenure Act</i>	Free miner certificate	EMLI	To acquire and maintain mineral titles and to access mineral title area.
	<i>Mineral Tenure Act</i>	Mineral claim	EMLI	Grants subsurface rights for the mineral resources within a cell claim.
	<i>Coal Act</i>	Coal licence	EMLI	Grants subsurface rights for the coal resources within the coal unit.
	<i>Mines Act</i>	Mines Act permit (NoW)	EMLI	To conduct exploration activities on a mineral or coal title area.
	<i>Forest Act</i>	Free use permit	EMLI	To clear trees up to 50m ³ for exploration and mining activities.
	<i>Heritage Conservation Act</i>	Site alteration permit	FOR	To alter or remove materials from an archaeological site.
	<i>Forest Practices Code of BC Act</i>	Special use permit	FOR	To construct and maintain access roads for mining activities in Provincial forest.
	<i>Land Act</i>	Tenure	FOR	Grants surface rights for mining activities on Crown land.
Feasibility and Planning	<i>Environmental Assessment Act</i>	EA certificate	EAO	Required for projects that meet thresholds or are otherwise designated.
Construction	<i>Mineral Tenure Act</i>	Mineral lease	EMLI	To produce mineral ore from a cell claim.
	<i>Coal Act</i>	Coal lease	EMLI	To produce coal from a coal unit.
	<i>Land Act</i>	Tenure	FOR	To occupy and use Crown land, such as the construction of transmission lines.
	<i>Transportation Act</i>	Highway use permit	MOTI	To connect access roads to a highway.
	<i>Mines Act</i>	Mines Act permit	EMLI	To construct all mine infrastructure and to identify permitted mine area.
	<i>Mines Act</i>	Explosives permit	EMLI	To store and use explosives
	<i>Environmental Management Act</i>	Waste discharge permit	ENV	To discharge air, effluent or solid wastes to the environment (short or long term).
	<i>Environmental Management Act</i>	Registrations	ENV	To undertake certain activities like storing fuel and transporting hazardous waste.
	<i>Water Sustainability Act</i>	Water authorizations	FOR	To use water, including groundwater, or to make changes in and about a stream.
	<i>Public Health Act</i>	Health operating permit	HA	To construct and operate food premises.
<i>Drinking Water Protection Act</i>	Water supply permit	HA	To construct and operate water supply systems.	
Operations	Amendments to authorizations, often including:			
	<i>Environmental Assessment Act</i>	EA certificate	EAO	e.g. to expand an existing project area.
	<i>Mines Act</i>	Mines Act permit	EMLI	e.g. to change production levels, permitted mine area, or site infrastructure.
	<i>Environmental Management Act</i>	Waste discharge permit	ENV	e.g. to change discharge quality or quantity.
	<i>Water Sustainability Act</i>	Water licence	FOR	e.g. to change the amount of water withdrawn.
Final Reclamation and Closure	Prescribed by:			
	<i>Mines Act</i>	Permit	EMLI	Site specific reclamation requirements are prescribed under the <i>Mines Act</i> permit, in addition to general requirements under the HSRC.
	<i>Environmental Assessment Act</i>	EA certificate	EAO	Project specific reclamation and closure requirements.
Throughout the life of mine	<i>Environmental Management Act</i>	Waste discharge permits	ENV	To discharge air, effluent or solid wastes to the environment (short or long term).
	<i>Mines Act</i>	Mines Act permits	EMLI	To conduct exploration activities or to construct and operation a mine.
	<i>Water Sustainability Act</i>	Water authorizations	FOR	To use water, including groundwater, or to make changes in and about a stream.
	<i>Land Act</i>	Tenure	FOR	To use or occupy Crown land.
	<i>Forest Act</i>	Occupant licence to cut	FOR	To cut or cut and remove timber from Crown land.
	<i>Environmental Management Act</i>	Registrations	ENV	To undertake certain activities like storing fuel and transporting hazardous waste.
<i>Wildlife Act</i>	General permit	FOR	To possess, trap or kill wildlife or destroy birds' nests.	

Progressive reclamation

Reclamation programs aim to return land and water resources to a safe and environmentally sound state upon the closure of a mine. Planning and remedial activities occur throughout the mine's life to ensure progression towards the planned end use of the landscape – hence the term **progressive reclamation**.

Additional Resources

- [Reclamation and Closure](#)
- [Annual Reclamation Reports](#)
- [Securities](#)

Before starting work at a mine site, proponents are required to obtain a *Mines Act* permit approving the mine plan, a program for protection of the land and watercourses, and a reclamation program. Proponents are also required to submit an **Annual Reclamation Report**, which provides a summary of all activities conducted on the mine property over the previous year: including

- Mine development, including surface disturbance, stripping, stockpiling, disposal and storage of all materials.
- Activities, research and monitoring results associated with the development and implementation of the environmental protection program.
- Activities, research and monitoring results associated with the development and implementation of the reclamation program.
- A projection of mining and reclamation activities planned for the next 5 years.

Mining companies must also place a **security**, also called a **bond**, with the Province to ensure reclamation obligations are kept. This security is only returned once the mine site is reclaimed to a satisfactory level and there are no ongoing monitoring or maintenance requirements. The intent of the Province's reclamation requirements are to ensure that modern mine sites in B.C. do not leave an ongoing negative legacy or require public funds for clean-up activities. Because every mine site has unique management requirements and operational constraints, the assessment of financial security is done on a site-specific basis. The security is set at a level that reflects outstanding reclamation and closure obligations associated with the site and are re-evaluated with permit amendments.

Compliance and enforcement

Permitting and compliance are inter-related activities. Laws, including permits, establish the requirements that mines must meet. The Province verifies that the mines are in **compliance** with these requirements and takes appropriate **enforcement** action if they are not.

Compliance activities take place throughout the entire life of the mine. Many compliance issues are complex and solutions often lie across multiple ministries

Additional Resources

- [Natural Resource C&E Approach](#)
- [Mining Compliance & Enforcement](#)
- [EAO Compliance and Enforcement](#)
- [ENV Compliance](#)
- [Conservation Officer Service](#)
- [Natural Resource Officers](#)
- [Natural Resource Compliance and Enforcement Database](#)

requiring coordinated planning processes and approaches to problem-solving. The [Natural Resource Sector's Compliance Management Framework](#) describes the cross-ministry objectives of setting requirements (e.g. permits), promoting compliance, verifying compliance, and enforcing requirements. If required, a range of enforcement tools are available to government, including orders, warnings, sanctions, violation tickets, administrative penalties, and court prosecution.

Within each ministry are specific organizational teams that are responsible for compliance and enforcement. Table 3 below lists the key ministries, the Acts they are responsible for and their compliance teams. Each ministry's compliance team has specific policies, tools, and programs to guide their work.

Table 3. Key laws and compliance roles pertaining to mining.

Mining Related Laws	Compliance Roles
Environmental Assessment Office (EAO)	
<i>Environmental Assessment Act</i>	EAO Compliance and Enforcement Officers
Environment and Climate Change Strategy (ENV)	
<i>Environmental Management Act</i>	ENV Compliance Inspectors Conservation Officer Service
Energy, Mines and Low Carbon Innovation (EMLI)	
<i>Mines Act</i>	Titles Inspectors
<i>Mineral Tenure Act</i>	EMLI Inspectorate
<i>Coal Act</i>	EMLI Investigations Unit
Forests (FOR)	
<i>Land Act</i>	Natural Resource Officers
<i>Forest Act</i>	Conservation Officer Service
<i>Forest Practices Code of B.C. Act</i>	District Managers
<i>Heritage Conservation Act</i>	
<i>Water Sustainability Act</i>	
<i>Wildlife Act</i>	

Section 1.2 Regulatory Continuum Summary

The B.C. mining regulatory continuum illustrates the mine development stages alongside the permitting activities typically associated with each stage. Exploration is characterized by tenure and site use permits that facilitate prospecting and baseline information gathering. If required, a project may undergo an Environmental Assessment during the planning phase, prior to obtaining initial permits to construct and operate the mine. Permit amendments are commonly required throughout operations. Reclamation is conducted throughout the mine's life, with final reclamation activities being prescribed under the *Mines Act* permit and the HSRC. B.C.'s natural resource compliance and enforcement teams ensure that regulatory requirements are being met through the mine's life.

Part 2: Relationships with Indigenous Nations

Indigenous peoples have distinct cultures, world views, languages and traditions that form a part of the richness of B.C.'s society today. As Indigenous peoples were the original occupants of the land, they have certain legal rights that shape the government-to-government relationships between the Province and Indigenous nations. Indigenous peoples are rights-holders, not stakeholders.

The relationship between the Province and Indigenous nations has evolved to include meaningful engagement with Indigenous nations on Crown actions that impact land and resources. The Province takes an inclusive approach to land and resource management and increasingly seeks Indigenous nations' input into decision making processes.

In addition, the Province has endorsed a path towards reconciliation and a renewed relationship with Indigenous peoples by committing to implement the Truth and Reconciliation Commission's **Calls to Action** and the articles of the **United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)**.

In May 2018, the Province released the **Draft 10 Principles that Guide its Relationship with Indigenous Peoples (Draft Principles)**. The Draft Principles are a tool to deliver on government's commitments to implement the UN Declaration and move forward the Calls to Action. The Principles highlight that "how" we collaborate with Indigenous peoples is as important as "what" we do.

In late 2019, the Province passed the *Declaration on the Rights of Indigenous Peoples Act (Declaration Act)*. The *Declaration Act* affirms the application of the UN Declaration to the laws of British Columbia, commits the Province to develop an Action Plan to achieve the objectives of the UN Declaration, and provides that the Province will take all measures necessary to ensure the laws of B.C. are consistent with the UN Declaration. The *Declaration Act* also empowers the Province to enter into joint decision-making agreements with Indigenous governing bodies.

The Province is working with Indigenous nations to change its processes to reflect the spirit and intent of these new initiatives. Fully understanding what the breadth of these commitments mean

Did You Know?

The term "Indigenous" broadly refers to First Nations, Métis and Inuk (Inuit) peoples. Approximately 232,000 Indigenous people live in B.C.: 67% are First Nations, 30% are Métis and just under 1% are Inuk. First Nations people live both on- and off-reserves. Métis and Inuit live in urban and rural communities throughout B.C.

Indigenous peoples are rights-holders, not stakeholders.

for mining projects will take time as the Province and Indigenous nations work together to identify how government policies, programs and legislation can be adapted.

The relationships between the Province and Indigenous nations are governed by both treaty and non-treaty agreements. Treaties and other agreements are important tools for Indigenous nations to develop sustainable, healthy, resilient communities. These agreements help build relationships with Indigenous nations, resolve conflicts, or address concerns associated with development on traditional territories.

Some of the key types of agreements related to the mining sector include treaties, Economic and Community Development Agreements, and Strategic Engagement Agreements. Proponents should be aware of any agreements with Indigenous nations with whom they are engaging, as they may impact key project factors such as permitting processes, land and water use, and capacity funding. Many agreements can be found on the [Province of B.C.'s website](#).

Mining projects have the potential to impact Indigenous communities and the exercise of their rights differently than how impacts may be felt by non-Indigenous communities. Mining projects also have the potential to bring well-paying jobs, economic development, increased environmental monitoring, and social benefits to communities across B.C. As such, both companies and the Province are uniquely positioned to transform relationships with Indigenous peoples through mining.

The following sections describe building and maintaining relationships, the Province's consultation obligations, the key role proponents play during the coordinated authorizations process, and the importance of durable relationships that both proponents and the Province must build with Indigenous nations to ensure mining projects are beneficial for all parties.

2.1 Building and Maintaining Relationships

Many Indigenous communities in B.C. have strong business relationships with operating mines. These relationships can include proactive engagement on

Additional Resources

- [B.C. Draft 10 Principles](#)
- [TRC Calls to Action](#)
- [UN Declaration](#)
- [Declaration Act](#)
- [First Nations A-Z Listing](#)
- [First Nations Negotiations](#)
- [Treaty Process](#)
- [Economic and Community Development Agreements](#)
- [Strategic Engagement Agreements](#)
- [Indigenous Engagement](#)

Did You Know?

Since 2008, the Province of B.C. has concluded **Economic and Community Development Agreements (ECDAs)** with 48 First Nations for 24 different major mines in BC and has shared almost \$160 million in mineral tax revenues. The ECDAs model sees up to 37.5% of incremental mineral tax revenue from a mine flow to affected Indigenous communities.

projects, employment opportunities, revenue sharing, and local community development or environmental restoration projects.

As outlined in the [Building Relationships with First Nations: Respecting Rights and Doing Good Business](#) guidance document, there are several benefits for industry in developing and maintaining strong relationships with Indigenous nations, including certainty for processes and durability of decisions, access to labour force, access to services, marketing and social responsibility, support for government consultation, and access to local knowledge.

Building respectful and mutually beneficial relationships with Indigenous peoples can also contribute to overall reconciliation and Indigenous self-determination by helping to build sustainable local economies in Indigenous communities.

An important part of building respectful relationships with Indigenous nations is seeking to understand the unique and rich history and traditions that are foundational to their connection to the land. Proponents should be aware of and recognize that time and effort are required to build trust-based relationships, and respect that traditional activities (e.g. seasonal practices on the land base) and protocols may overlap with a review process.

Proponents are encouraged to engage with Indigenous nations as early as possible in the planning stages to build relationships and for information sharing purposes that may support consultation processes. All proponents and all Indigenous nations are unique, and their relationships can change over time. Some Indigenous nations may have a long history of actively engaging with mines in the area, whereas others may be new to engage with the sector; likewise, changes in personnel, mine planning, and financial capacity can alter how a mining company conducts business.

Since this landscape is constantly evolving, it is critical that companies and Indigenous nations work together to understand each other's needs and interests throughout the mine's life. While there is no one-size-fits-all approach to these relationships, actively listening, asking questions and engaging early and often can help set the stage for a strong working relationship.

Knowing which Indigenous nations to engage with is the first step towards building relationships. Provincial government staff will be able to conduct an initial scan of Indigenous rights and

Importance of Words

Words carry a lot of meaning. Standard words used change as the relationships between the Province and Indigenous nations evolve. Understanding when and how to use the correct terms can help build strong relationships.

Some of the key words used in this document are described below. When in doubt, the best thing to do is ask either Provincial staff or Indigenous nations directly.

"Interests" versus "interests"

Since this Guide is intended for a broad audience, the lowercase **"interests"** used here is simply the common definition of the word.

When capitalized, **Aboriginal Interests** refers to claimed or established treaty rights or Indigenous rights (including title).

interests in the area to focus the proponent's engagement efforts. As the Province receives further information about Aboriginal Interests, the scope of consultation and accommodation, where required, may change.

Continuing engagement after initial introductions is key to ensuring lasting relationships. Maintaining relationships typically involves active communication between companies and Indigenous nations beyond a specific project or application process. Regular and open communication reduces surprises and allows all parties to be more adaptable to change. New opportunities can also arise, such as learning about employment opportunities or knowledge of the local area which can be mutually beneficial. The frequency, formality, and nature of these communications should be discussed and agreed upon between the proponent and each Indigenous nation.

The level of involvement from Indigenous nations will vary depending on the project and the Indigenous nation's capacity, interest, and experience with mining applications. Generally, the key roles of Indigenous nations in project development and application reviews include:

- representing the interests of their communities;
- identifying those communities and members of the communities that the proponent and B.C. should contact and engage in order to seek advice on community interests and concerns;
- identifying their interests and issues to be addressed in the proponent's applications for authorizations, including impacts to rights protected by section 35 of the *Constitution Act*;
- assisting the mine proponent and B.C. to understand their concerns, interests, and opportunities;
- arranging for consultants to undertake technical reviews on their behalf, if required; and,
- working with their communities and the proponent to address issues.

Some Indigenous nations will have the internal capacity, or want to develop the internal capacity, to take on a direct role in the collection of application information required by the proponent. Proponents are encouraged to involve Indigenous nations in the collection of information as much as possible, as this is an opportunity to contribute to capacity building and to help Indigenous nations develop a stronger understanding of the project impacts and benefits.

Section 2.1 Building and Maintaining Relationships Summary

Across B.C., mining companies have forged deep partnerships with neighbouring Indigenous communities. Mining projects have the potential to bring direct revenue, employment, and community development to Indigenous nations. Early and meaningful engagement from proponents can result in greater certainty for permitting processes, support for government consultation and access to local knowledge. Economic partnerships between proponents and Indigenous groups can also contribute to overall reconciliation and Indigenous self-determination by helping to build sustainable local economies in Indigenous communities.

2.2 B.C.'s Duty to Consult and the Role of Proponents

The Province has a legal duty to consult and accommodate Indigenous nations, where required, on land and resource decisions that could impact claimed or established Aboriginal rights and title, or treaty rights (Aboriginal Interests). Consultation must be meaningful with the intention of addressing impacts to Aboriginal Interests, and should be carried out through a timely, reasonable, transparent and proactive process. In some cases, circumstances may require that the Province seek and/or obtain the consent of the Indigenous community in order to make a decision about a potential authorization.

Consultation is currently guided by the interim [Updated Procedures for Meeting Legal Obligations When Consulting First Nations](#). These procedures provide a consistent and transparent process for provincial ministries, Indigenous nations, and proponents while safeguarding Aboriginal Interests in a manner consistent with the law. They do not replace or supersede the development of treaties, relationships, shared decision-making arrangements or other agreements. Where consultation agreements exist and apply to mining projects or authorizations, the consultation processes in those agreements should be followed.

The extent of the Crown's obligation to consult will vary with the circumstances, and the nature and scope of the Aboriginal Interests impacted. The level of consultation anticipated can inform the engagement activities and, generally, the amount of time that may be required to engage. For example, major projects requiring multiple permits require a more intensive process. The Province may not issue authorizations until the duty has been fully discharged.

The Province may delegate some procedural aspects of consultation to the mining proponent. In such a case, the proponent is expected to act in good faith to carry out consultation activities, including the creation of a full and accurate record of consultation activities, and a summary of all issues raised by the Indigenous nation and how those concerns were addressed.

In consideration of the evolving relationship between the Province and Indigenous peoples, and commitments related to the UN Declaration and Calls to Action, in recent years B.C. has been working closely with Indigenous nations to understand their governance structures and decision-making processes, and develop an agreed upon approach to permitting review processes. The agreed upon approaches are often set out in project-specific collaborative agreements including

permitting collaboration plans, workplans or other agreements, and typically include provisions for consensus-seeking.

Elements contained in project-specific collaborative agreements can include: collaborative principles and process steps, consensus-seeking commitments at key process milestones, and a process to work together to attempt to resolve any issues.

Recommendations for Proponents

While the Province has specific obligations, commitments and relationships with Indigenous nations on mining projects, proponents also play a key role during the coordinated authorization review process. Some activities that can support engagement efforts include:

Pre-application/Early Engagement

- Advising Provincial government staff of intentions to engage with Indigenous nations;
- Asking questions and learning about Aboriginal Interests in the area, and potential concerns or opportunities with the project, and planning accordingly;
- Building respectful relationships with Indigenous nations potentially impacted by the proposed project;
- Informing and involving Indigenous nations in the planning phase of the project;
- Providing opportunities, where appropriate, for Indigenous nations involvement in collecting and/or developing information required for the application;
- Providing capacity funding or entering into other agreements or benefit arrangements, where appropriate, with potentially impacted Indigenous nations to assist with early engagement participation;
- Keeping Indigenous nations advised of milestones (eg. application submission dates);
- Starting and maintaining an engagement record and documenting Indigenous rights and interests; and,
- Providing a site tour to show the proposed project area and the overall mine operations.

Application Review

- Participating in meetings and presenting on their project;
- Responding to questions, comments or concerns about the project from Indigenous nations;
- Continuing to provide capacity funding, where appropriate, to assist Indigenous groups with participating in the review of their application;
- Obtaining or discussing Indigenous nations' concerns or interests, and possible mitigation or accommodation options to address impacts;
- Providing documents and records of engagement such as communications logs, summaries of activities, and descriptions of Indigenous rights and interests;
- Attending community meetings to present on the project and answer questions;
- Considering modifications to plans to avoid or mitigate impacts to Aboriginal Interests;
- Providing updates on projects and engagement activities.

After the authorization is issued (post-decision)

- Implementing or fulfilling any commitments that were made. Commitments may be included as permit conditions, which may be followed up on by the Province, or may be agreed upon between the proponent and the Indigenous nations;
- Understanding how to engage on subsequent authorizations associated with the operation of the mine;
- Provide, where appropriate, workforce opportunities, training, compliance and monitoring program participation, etc.;
- Continuing to communicate with Indigenous nations to maintain strong relationships.

Proponent-driven initiatives such as modifying mine plans to minimize potential impacts, avoiding sensitive areas, developing mitigation strategies, carrying out environmental monitoring programs or developing benefit and other business agreements with Indigenous nations can also contribute to the decision-making process.

Accommodation includes activities designed to avoid or mitigate adverse impacts or concerns respecting Aboriginal Interests brought forward during engagement. Accommodation options could include but are not limited to:

- Changing the timing of a proposed activity;
- Altering the footprint or location of a proposed activity;
- Avoiding the impact to the identified Indigenous Interest;
- Environmental monitoring;
- Collaborative development of management plans;
- Permit conditions; and,
- Other mitigation strategies (e.g., formal agreements).

Proponents and Indigenous nations are not required to provide information to the Province that is agreed to be treated as confidential through mutual arrangement, such as direct revenue sharing information.

Section 2.2 B.C.'s Duty to Consult and the Role of the Proponent Summary

Starting with the resources provided in this Guide, proponents must familiarize themselves with the Indigenous rights, interests and relationships that exist in their project area. Asking questions and incorporating feedback from Provincial staff and Indigenous nations into project plans and engagement activities will help initiate relationships, but trusting and enduring relationships take time to develop. On-going formal and informal engagement is necessary between the Province, Indigenous nations, and proponents. Looking ahead, the Province will continue to work together with Indigenous nations to support the implementation of the UN Declaration, and on interim measures and strategies to advance reconciliation, and innovative collaborative approaches to land and natural resource management.

Part 3: Mines Act Applications

Previously described in Section 1.1, permits under the *Mines Act* regulate all works and activities at a mine site – including exploration, development, production, reclamation, and closure. There are two types of *Mines Act* permits: permits for exploration activities and permits for construction and operations activities.

Permits for exploration activities are acquired through a Notice of Work (NoW) application and are managed by the EMLI Regional Offices. Comprehensive information about applying for exploration permits is available in the [Mineral and Coal Exploration NoW Application Companion](#) with additional resources [available online here](#).

The remainder of this Guide focuses on construction, operations, and closure permits, simply referred to here as “*Mines Act* permits”. *Mines Act* permit applications are managed by the EMLI Major Mines Office. Building on the information provided in Section 1.1, this Part details how to prepare a *Mines Act* permit application, or amendment application, and what to expect during the process. Reviewing Section 1.1 first will help readers understand the different types of applications mentioned here.

3.1 Project Factors

Projects at mine sites vary greatly in nature – from simply relocating a building to a major expansion project, for example. This diversity in projects means that there are different permitting requirements and timelines depending on several factors. All permitting projects are shaped by:

- **Impacts** to human and environmental health;
- **Quality** of the application and supporting information;
- **Relationships** with Indigenous nations;
- **Public engagement** on the project.
- **Scope** and complexity of the project;
- **Schedule** timelines and flexibility;
- **Resources** including government’s, Indigenous nations’, and the proponent’s staffing capacity to participate in the process; and,
- **Costs** to the proponent and their financial capacities.



Figure 5. Each project factor impacts the other. A limitation on one will ‘pull’ on the others.

Illustrated in Figure 5, each of these factors impacts the other. For example, an increase in scope will likely result in longer timelines and costs due to the volume of new information required for review. Additionally, these factors have the potential to change throughout

the process, especially for projects with large and complex scopes. The better a proponent understands what each of these factors looks like for a project, the greater the certainty and success they will have throughout the permitting process.

Impacts

The primary focus of the *Mines Act* and the HSRC is the protection of human and environmental health. With any application, the Province considers the potential impacts that a project may have on workers, the environment, Indigenous nations, and neighbouring communities. For example, increased milling activities may pose health risks through increased air discharges. Indirect impacts of a project like losses or gains in employment may also be considered an impact.

Mitigating existing adverse impacts is equally as important; this means preventing or ceasing an adverse condition or activity resulting in improved human and environmental health. For example, a water treatment facility to treat historic mine affected water mitigates risks to human and environmental health.

Questions to consider about a project's impacts:

- What aspects of the project might impact human or environmental health? What works, activities or conditions will be in place to mitigate these impacts?
- How will the mine workers' health or well-being be, or potentially be, impacted if this project is approved? If it is not approved?
- How will Aboriginal Interests be, or potentially be, impacted if this project is approved? How can adverse impacts be avoided or mitigated?
- How will neighbouring communities' health or well-being be, or potentially be, impacted if this project is approved? If it is not approved?
- How will the immediate and overall environments' health or well-being be, or potentially be, impacted if this project is approved? If it is not approved?

Quality

Applications and their supporting documents can range from tens to thousands of pages, and require review by both technical and non-technical audiences. Time is lost if reviewers are unable to understand the project or find necessary information; in which case, proponents are often required to submit or re-submit the pertinent information.

Non-technical information, like the project's objectives, impacts, major components, and authorization requirements is necessary for reviewers to understand the project in its entirety. This information is also used by Provincial staff to communicate the project to other ministries and Indigenous nations.

Technical information, like water quality monitoring results and geotechnical design drawings, is required so that technical experts can understand the project's impacts. Some types of technical information must be prepared by a qualified professional. The [Mines Act and Environmental Management Act Joint Information Requirements](#) guidance document outlines what information is required in applications for permitting applications.

Questions to consider about a project application's quality:

- Are the application and supporting documents clear, concise, and complete? Is plain language used for non-technical sections?
- Does the application document flow logically for reviewers who are unfamiliar with the project? Are graphics and images easily understood? Are appendices referenced in the main document and labelled?
- Does the application address all information requirements? Are there any sections or documents missing?
- Did qualified professionals prepare technical information where required?
- Were commitments to Indigenous nations to co-draft or preview components of an application met?

Relationships with Indigenous Nations

As described in Part 2, relationships with Indigenous nations are a critical factor in permitting application processes. The Province is legally obligated to consult and accommodate Indigenous nations, where required, on land and resource decisions that could impact Aboriginal Interests. B.C. also engages with Indigenous nations beyond these legal requirements in support of reconciliation objectives.

Early and continuous engagement led by the proponent increases certainty for permitting processes and supports government consultation. Relationships among Indigenous nations, the Province, and proponents are constantly evolving; therefore, strong relationships are required to understand each other's needs, concerns, and interests throughout the mine's life.

Questions to consider about Indigenous relations for a project application:

- Which Indigenous nations should be engaged? What Aboriginal Interests are in the project area? How is this territory being used?
- What treaty and non-treaty agreements are in place between the Province and Indigenous nations?
- What agreements or other arrangements are in place between the company and Indigenous nations? Will these arrangements provide funding for Indigenous nations to participate in the project review?
- What initial interests or concerns have Indigenous nations raised about the project? How can these be addressed, mitigated, or incorporated into the project? How have they changed during the review process? Are there residual impacts after any changes have been taken into account?
- How frequently do Indigenous nations want to be engaged on a project? What is the preferred nature of the engagement? How will information be shared with Indigenous nations such that potential impacts from the project can be easily understood and discussed?

- What interests or concerns have Indigenous nations previously expressed regarding the mine or similar projects? How can these be proactively addressed or mitigated?
- Who will be the primary contact for Indigenous nations at the company? Who will be responsible for keeping engagement records and summaries for the company?

Public engagement

Mining projects have the potential to generate significant public attention. While the sector's well-paying jobs form the economic backbone of many towns and cities in B.C., environmental impacts can pose concerns locally, nationally, and sometimes even internationally.

Depending on the project, public engagement may be required during the permitting process. Public engagement can range from notification to more active events and workshops. Decision makers may then take into consideration any comments and other information received through the engagement. Engaging with local governments and communities can help proponents understand what the public's interests and concerns may be with a project.

Questions to consider about a project's public interest and engagement:

- What authorizations does the project require? What are each of their public engagement requirements?
- Which local governments, interest groups, and community organizations might have an interest in the project? What are their interests and concerns?
- What interests or concerns have been raised about the project? How can these be addressed, mitigated, or incorporated into the project?
- What interests or concerns have previously been raised about the mine or similar projects? How can these be proactively addressed or mitigated?
- What information can the company share on its website to help inform the public about the project?
- Who will be responsible for keeping public engagement records and summaries for the company?

Scope

A project's scope determines what authorizations are required, who needs to review the application, and the level of detail required. A large and complex project will likely require review by multiple ministries, Indigenous nations, and may require public engagement. A small project may only require notification to EMLI. The project scope including authorization requirements should be well articulated in the application documents.

Questions to consider about a project application's scope:

- What is the overall goal and desired outcome of the project?
- What authorizations are required in order to complete the project?
- Who needs to be engaged on the project?

Schedule

Permitting schedules are developed between the proponent and Provincial staff. Proponents will typically have dates or timeframes for when they plan on initiating, undertaking, and completing a project. These project timelines can help inform permitting timelines, but they are not the only factor that is considered when developing permitting schedules. All of the other project factors described in this Section influence permitting durations – such as application quality, scope, capacity, and Indigenous and public engagement.

Questions to consider about a project application's schedule:

- When is the project planned to be initiated, undertaken, and completed? What is the priority of the project for the mine's operations?
- What is the scope of the project? What authorizations are required?
- What baseline data is required to support the application? How long will it take to collect?
- What type of permitting process may be expected for the project (e.g. notification, amendment, coordinated authorizations)?
- What are the estimated engagement timeframes for Indigenous nations?
- What are the public engagement requirements?
- What can the proponent do to before submitting the application and during application review to help keep schedules on track? How readily can the proponent respond to reviewer comments (including consultants and qualified professionals)?
- What are some of the concerns or issues that may come up during permitting that could impact the schedule? How can these be addressed or mitigated prior to applying?

Resources

Permitting projects require active involvement from the mining company, Provincial staff, Indigenous nations and any other reviewers. Many organizations rely on relatively small teams to undertake the review, provide comments and responses, and participate in meetings. Consultants will often be hired to support the work – from preparing documents for the proponent to technically reviewing an application on behalf of an Indigenous nation, for example. A lack of resources for any party can result in longer timelines and potentially higher costs.

Resources for Indigenous nations are sometimes supported through Strategic Engagement Agreements with B.C. and through arrangements with the mining company. B.C. may be able to offer limited capacity funding to Indigenous nations for participating in permitting processes. B.C. additionally imposes fees for permit applications to support staff resourcing while reducing costs to taxpayers.

Questions to consider about a project application's resourcing:

- Who will be responsible for preparing and managing the application, and responding to reviewer comments? What is their availability?

- What are the costs and benefits of hiring consultants to support the work?
- What types of information and documents must be prepared by qualified professionals?
- What funding agreements are in place to support participation from Indigenous nations?
- If resources are a limiting factor, how can timelines, budget, or scope be adjusted to accommodate resource limitations?
- How can the mine's projects be organized and prioritized to ensure efforts are directed to the most important projects first?

Costs

Preparing, submitting, and managing permit applications can be costly, and proponents should understand these costs prior to starting the permitting process. Permitting applications can require significant data and information that are needed to assess the project's potential risks and impacts. Additionally, permitting fees may be required for each of the authorizations required for the project. Costs that a proponent may incur during permitting include baseline and monitoring studies, the preparation of plans, drawings and other documents by qualified professionals, environmental assessments, capacity funding for Indigenous nations, permit fees, and reclamation bonding.

Questions to consider about a project application's costs:

- What authorizations does the project require? What are the current permitting fees associated with each?
- What studies, assessments, plans, drawings, and other documents will be required? What are the costs and benefits of hiring a consultant to support the work?
- What types of information and documents must be prepared by qualified professionals?
- What funding agreements are in place to support participation from Indigenous nations?
- What is the estimated reclamation bond amount? What is the payment schedule?
- What contingency is available if a new report or study is required to be completed in support of the application?

Section 3.1 Project Factors Summary

Before moving forward with a permitting project, proponents should consider how their project may be shaped by its impacts, quality, scope, schedule, resources, costs, relationships with Indigenous nations and public engagement. Each project is unique and conversations with Provincial staff about project considerations early on will help prevent delays and surprises throughout the permitting process.

3.2 Mines Act Permitting Processes

While the project factors described in Section 3.1 shape the unique nature of mining projects, the permitting processes are consistent. Projects are managed through one of the four following permitting paths:

- Notices of deemed authorization;
- Departures from approval;
- Non-coordinated permit applications; and,
- Coordinated permit applications.

These paths are defined by project impacts and complexity. The notice of deemed authorization process, for example, is designed for specific low impact activities; whereas, the coordinated permitting process is designed for large and complex projects which require significant review and engagement, and may involve multiple authorizations. Process steps, fees and estimated timelines reflect the level of effort required for Provincial staff and participating reviewers to evaluate a project.

Summarized in Table 4, each process has a specific intake process, fee, and timeline. The timeline estimates provided are intended to help proponents for planning purposes. They assume high quality submissions without major project constraints, and represent the number of months from submission to referral for decision. Timing is not legislated and reflects the diverse types of projects and the detailed nature of permitting applications. The remainder of this Section describes notices of deemed authorization, departures from approval, and non-coordinated permit applications in further detail. The coordinated authorizations process is described in Section 3.3.

Table 4. *Mines Act* permitting processes' intake, fees, and timing for mineral and coal mines

Intake	Fees	Typical service timing
Notices of deemed authorization		
FrontCounter BC	None	1 month Typical rounds of review: 1
Departures from approval		
MineSpace	None	1.5 to 3 months Typical rounds of review: 1
Non-coordinated permit applications (not referred to an MRC)		
Email: permrecl@gov.bc.ca	\$10,000	3 to 5 months Typical rounds of review: 1-2
Coordinated permit applications (referred to an MRC)		
Email: permrecl@gov.bc.ca	\$125,000. The fee may be	6 to 12 months

Additional Resources

- [MineSpace](#)
- [Mine Permitting](#)
- [Construction and Operations Permitting](#)
- [Deemed Authorizations](#)
- [Permitting Fees](#)
- [Metal Leaching & Acid Rock Drainage](#)
- [Geotechnical Information](#)
- [Reclamation and Closure](#)

Intake	Fees	Typical service timing
	<p>reduced to \$60,000 if the CPO determines that the project is less complex than usual and does not pose significant impacts.</p> <p>Plus any other authorization fees (e.g. <i>Environmental Management Act</i> permitting fee)</p>	<p>Typical rounds of review: 2-3</p>

Notices of deemed authorization

As described in Section 1.1, Notices of Deemed Authorization (NDAs) are specific to the activities listed in the Permit Regulation of the *Mines Act*: (1) Induced polarization (IP) surveys, (2) Exploration drilling and IP surveys within the permitted area of disturbance of an operating mine, and (3) extending the term of a permit for mineral or coal exploration activities by up to two years. Proponents may alternatively consider the Departures from Approval process for their project, which is described in the next section.

Before submitting a notice of deemed authorization

Before submitting an NDA, proponents should familiarize themselves with the process, timing requirements, and information requirements associated with NDAs. Currently, the following information and documents must be included with NDA submissions:

- (1) IP surveys using exposed electrodes:
 - Permit number;
 - Start and end date;
 - Total line kilometres;
 - Description of planned activities; and,
 - Geo reference files. These files must outline as a polygon the area within which the activity will occur and the specific location of the activities within that area. Shapefiles are the preferred format, and any format of geo referenced file submitted must be in NAD 83 Albers Projection.
- (2) Exploration drilling and IP surveys *within* the permitted area of disturbance of an operating mine:
 - Permit number;
 - Start and end date;
 - Proposed activities (exploration drill program and/or IP Survey);
 - Total line kilometers for an IP Survey;
 - Total number of drill sites for an exploration drill program;
 - Description of planned activities; and,

- Geo reference files. These files must outline as a polygon the area within which the activity will occur and the specific location of the activities within that area. Shapefiles are the preferred format, and any format of geo referenced file submitted must be in NAD 83 Albers Projection.

(3) Extending the term of a permit for mineral or coal exploration activities by up to two years.

- Permit number;
- New end date; and,
- Reason for extension.

Notice of deemed authorization intake and fees

NDA's must be submitted through FrontCounter BC. There are no fees for NDAs.

Notice of deemed authorization review and decision

Notifications will be reviewed by EMLI to ensure the information requirements are met. Once a notification is confirmed by EMLI, it will be referred to Indigenous nations at least 15 business days (21 calendar days) prior to the end of the 30 day notification period. Unless a proponent hears from EMLI to the contrary, the proponent may consider their notification complete and at the end of the notification period may begin the activity on or after the start date indicated in their notification.

Notice of deemed authorization timing

Proponents are required to notify EMLI prior to undertaking a NDA. Notification must be submitted electronically through FrontCounter BC at least 30 days prior to undertaking the activity, or in the case of permit term extensions, at least 30 days before the end date of the permit.

Departures from Approval

Activities that qualify, or potentially qualify, as substantial changes from an existing mine plan require a Notice of Departure Authorization Letter from the CPO, as described in Section 1.1. Proponents should also refer to the [Departure from Approval Guidance for Major Mine Permit Holders guidance document](#) (Guidance Document) and [self-assessment form](#) when preparing a departure from approval application.

Before submitting a departure from approval

Proponents should first review the Guidance Document and complete the self-assessment form to determine whether the activity is non-substantial or substantial. Projects that are substantial, or potentially substantial, must then proceed through the departure from approval process in order to receive written authorization from the CPO before they can commence.

Before submitting an application, proponents should reach out to EMLI staff to:

- introduce the project;

- discuss whether activities are non-substantial or substantial if uncertainty remains after the completion of the self-assessment form;
- discuss whether the project qualifies as a departure from approval or if it requires a permit amendment;
- discuss any drilling or test pitting in an area that is not permitted for disturbance; and,
- discuss timing, information, and engagement requirements.

Departure from approval intake and fees

Departures from approval must be submitted through [MineSpace](#). There are no fees for departures from approval.

Departures from approval review and decision

Upon receipt, EMLI staff will assess the information provided within the departures from approval application. EMLI staff and other reviewers may ask clarifying questions about the proposed departure, and it is expected that the proponent will provide comprehensive responses to questions raised by reviewers. EMLI will inform the proponent in writing if the proposed work is approved through a Notice of Departure Authorization Letter.

Other ministries and Indigenous nations may be notified as part of the review process. The CPO may determine that the proposed work is already contemplated under the existing authorization and that no changes to the permit are required. If there are potential impacts to Aboriginal Interests and written authorization is required, Indigenous engagement and consultation must take place; this will normally be undertaken as part of a permit amendment.

Departures from approval timing

Average service timelines for departures from approval aim for 1.5 to 3 months from submission to decision. Timelines are highly dependent on the project factors described in Section 3.1. Projects that are submitted as a departure from approval application may be referred to the permit amendment process if, upon review, Provincial staff determine that an amendment is required for the proposed project.

Non-coordinated permit amendments

Described in Section 1.1, an application must be made to the CPO to amend an existing *Mines Act* permit. Work on a project cannot commence until written approval is issued by the CPO. While the permit amendment process stages are consistent for all applications, the process is highly influenced by the project factors previously described: impacts, quality, scope, schedule, resources, costs, relationships with Indigenous nations, and public engagement. The better that proponents, Provincial staff, Indigenous nations, and other reviewers understand these factors, the more predictable the permitting process.

Before submitting an amendment application

Prior to submitting an amendment application, proponents should identify and prepare the information needed for the project, including technical, socio-cultural, and project management

aspects. This information is collected, analyzed, and summarized through both quantitative and qualitative methods (e.g. baseline studies and engagement, respectively). Qualified professionals are required to prepare certain types of information for the application.

Information for *Mines Act* permit amendment applications will differ depending on the nature of the project. Proponents should engage with MMO staff directly to refine the types of information that will be needed for their project.

Information typically required for Mines Act permit amendments

Proponents should refer to the [HSRC](#), the [Joint Application Information Requirements for Mines Act and Environmental Management Act Permits](#) guidance document, and the [Joint Information Requirements Table for Mines Act and Environmental Management Act](#) permit applications.

Technical

- Introduction and project overview;
- Baseline information;
- Mine plan;
- Reclamation and closure plan;
- Modelling, mitigation and discharge;
- Environmental assessment predictions;
- Environmental monitoring;
- Health and safety;
- Management plans; and,
- Any other relevant information required by the CPO.

Socio-cultural

- Aboriginal Interests;
- Archaeology assessments;
- Land use constraints, stakeholders, and other interests that could be impacted;
- Indigenous engagement summary; and,
- Public engagement summary.

Project management

- Plain language project description;
- Proposed project schedule; and,
- Authorization requirements.

Intake and fees

Mines Act permit applications must be submitted to the permrecl@gov.bc.ca email inbox. For oversized documents, links to document sharing sites may be included in the email.

Mines Act permit applications that are not referred to a Mine Review Committee (MRC) require a non-refundable \$10,000 fee. Payments are made to the “Minister of Finance” and are made via electronic funds transfer or by cheque.

Review and decision

All applications undergo review by Provincial staff, often including geotechnical, geoscience, reclamation, health and safety, water management, hydrology, hydrogeology, and biology subject matter experts. Reviewers may provide comments on an application such as a request for information to better understand the impacts of a project. Applications typically undergo one to two rounds of review.

Indigenous nations are also invited to review *Mines Act* permit applications. Participation of Indigenous nations ranges from notification to deep level consultation depending on the nature of the project, potential impacts to Aboriginal Interests, and any applicable agreements or treaties.

Stakeholders, such as community associations, may be directly invited to participate in an application review if they are impacted by the project. The CPO may also require that the proponent publish a notice in B.C.’s Gazette and in local newspapers regarding the application. The public then has 30 days to view the application and to submit written comments to the CPO.

The CPO considers the comments and recommendations of Provincial staff, Indigenous nations, stakeholders, and any other participating reviewers when making their decision. Often, permit conditions will be included regarding the scope, requirements, and nature of the work and activities. The conditions are in addition to the requirements identified in the *Mines Act* and HSRC.

Securities

As part of the review process, proponents are required to submit liability costing information for the proposed project. The costing estimates are reviewed by EMLI technical staff and are used to update the mine’s security bond. The proponent will be required to pay the bond in accordance with their permit. Costing information should be filed separately from the application directly to EMLI and explicitly marked ‘business confidential’. The amount and form of security are determined by the CPO. The final security bond identified in a permit is publicly available information.

EMLI accepts several forms of financial security. These include cash equivalents, Irrevocable Standby Letters of Credit, Guaranteed Investment Certificates with up to three-year terms backed by a Safekeeping Agreement, and surety bonds. If paying by certified cheques, payments are made to the “Minister of Finance”. Companies cannot remove or access the posted security without the approval of the Chief Inspector of Mines.

Timing

Average service timelines for permit amendments aim for 3 to 5 months from submission to decision. Timelines are highly dependent on the project factors described in the previous Section.

Section 3.2 Mines Act Permitting Processes Summary

Applications under the *Mines Act* follow one of four permitting routes based on project impacts and complexity. The notices of deemed authorization process is used for specific low-risk activities identified in the Permit Regulation of the *Mines Act*. Substantial changes to a mine plan are routed through the notice of departure process, in which a proponent must receive written approval from the CPO prior to beginning any work on the project. Changes to a *Mines Act* permit require an amendment. Projects that are small to moderate in scope and that do not involve other authorizations typically follow the non-coordinated amendment process. Described in the following Section, complex projects may be referred to the coordinated authorizations process.

3.3 Coordinated Authorizations

Mines Act permit applications that are particularly complex may be referred to an advisory committee through the coordinated authorizations process. These projects are coordinated by an EMLI project lead and follow a structured permitting process.

The coordinated authorizations process strives to reduce time, duplication of effort, expense and impacts while supporting durable decisions by decision makers. Streamlining and coordinating the permit application process provides benefits for the proponent, Indigenous nations, the public and government:

- The Proponent benefits from having a project lead assigned to the project, who can help bring certainty to the process and facilitate communications among ministries, the proponent, and Indigenous nations.
- Indigenous nations benefit from being able to assess the project as a whole within a harmonized consultation process instead of having to respond to a series of consultation referrals.
- Public safety, environmental, and economic interests are served by informed and durable decisions supported by a comprehensive review.
- Provincial staff and resources are used more effectively and efficiently. Facilitated coordination of resources within the natural resource ministries can improve consistency of approach, reduce overlap, and share expertise.

Additional Resources

- [Mine Permitting](#)
- [Coordinated Authorizations](#)
- [Indigenous Engagement](#)
- [Mine Review Committees](#)
- [Joint Application Information Requirements Guidance](#)
- [Joint Information Requirements Table](#)

A project may be referred to the coordinated authorizations process by the Chief Permitting Officer (CPO). There are three different routes for a project to come into the coordinated authorizations process:

- (1) Any new mineral or coal mine project, whether or not reviewable under the *Environmental Assessment Act (EAA)*;
- (2) A mine project that is an extension, expansion, or re-start requiring multiple authorizations;
- (3) Any project that the CPO determines would benefit from the coordinated authorizations process due to its complexity.

All coordinated authorizations are managed by the EMLI Major Mines Office (MMO). Proponents should engage early on with the MMO to introduce the proposed project and to help determine whether the project may be referred to the coordinated authorizations process. At this stage, the project may still be several months away from initiating a more formal pre-application process. If a proponent progresses the project further, and as more information becomes available, MMO staff will direct the proponent towards pre-application for large and coordinated projects or directly to application submission for smaller non-major projects, such as minor amendments and notices of departure.

What is and what is not coordinated

Some parts of the coordinated authorizations process are coordinated among Provincial ministries, while others are not. Table 5 below provides an overview as to what is and what is not coordinated.

Table 5. What is and what is not coordinated in the coordinated authorizations process.

Coordinated	Not Coordinated
<ul style="list-style-type: none"> • Meetings, especially during review; • Timelines (scheduling); • Comment and response tracking; • Consultation with Indigenous nations; • Joint Application Information Requirements for <i>Mines Act</i> and <i>Environmental Management Act (EMA)</i> Permits Guidance document; and, • Joint Information Requirements Table (<i>Mines Act</i> and <i>EMA</i> only). 	<ul style="list-style-type: none"> • Application intake; • Fees; • Environmental Assessment processes under the <i>EAA</i>; • Federal or local government authorizations; • Application Instruction Document (ENV only); and, • Projects not involving mineral or coal permits under the <i>Mines Act</i>.

Mine review committees

Mine review committees (MRCs) are a key part of the coordinated authorizations process. An MRC is an advisory committee established by the Chief Permitting Officer (CPO) under Section 9 of the *Mines Act*. By bringing together multiple ministries, Indigenous nations, federal and local governments, and other reviewers, MRCs increase efficiency and effectiveness by reducing duplication of effort and by focusing on the project as a whole.

The MRC is an advisory committee and does not have any decision-making authority. The purpose of the committee is to review and make recommendations on applications to Statutory Decision Makers (SDMs), including:

- conducting a coordinated review of application information provided by the Proponent;
- ensuring opportunities for Indigenous nations to receive, review and contribute to the review of an application and development of recommendations;
- identifying technical issues related to the application, and working with Proponents to find solutions for those issues;
- referring issues related to the application that are raised but not within the disciplines or responsibilities of the MRC to the appropriate authority or forum;
- assisting in engagement activities, through answering technical questions posed by Indigenous nations, that are within agency area of responsibility; and,
- providing recommendations to SDMs regarding applications under review.

MRCs include representatives from impacted, or potentially impacted, Provincial ministries, Indigenous nations, and any other organizations who may need to review the application. MRCs are chaired by the EMLI project lead assigned to the project on behalf of the CPO. The proponent is not a member of the MRC but plays an essential role in the authorizations process.

Mine Review Committee Roles

Technical reviewers

Technical staff from EMLI, ENV, FOR and other B.C. ministries are part of MRCs. They review the applications to ensure the project mitigates impacts to human and environmental health and complies with respective laws, notably the *Mines Act*, *Environmental Management Act*, and the *Water Sustainability Act*. Technical disciplines include engineering, geoscience, reclamation, health and safety, water management, hydrology, hydrogeology, and biology.

Indigenous nations

Potentially affected Indigenous nations are invited and may choose to participate as MRC members for major mining projects proposed within their traditional territories. The interests and capacities of Indigenous nations can vary, and often include Aboriginal Interests and environmental issues, such as water quality and habitat disturbances. Some Indigenous nations may hire consultants to conduct technical reviews on their behalf.

EMLI project lead

The EMLI project lead is the primary point of contact on the project for both MRC members and the proponent. The project lead is a member of and chairs the MRC on behalf of the CPO. The project lead provides overall coordination of the process, including developing schedules, sending and receiving deliverables, leading consultation, managing issues, chairing MRC meetings, and overseeing decision making materials.

Proponent

The proponent is not a member of the MRC but plays an essential role in the authorizations process by placing the project into the process, providing information, making key decisions on timing and sequencing, and participating in the work of the MRC.

The proponent for a major mine project is solely responsible for the business decisions regarding the major mine project, including:

- Deciding whether the project is feasible, when to pursue mine approvals and whether the proponent has the resources and staff to participate in the assessment and authorizations review processes; and
- deciding which, if any, applications to bundle, in consultation with the EMLI project lead.

In addition to business decisions, the proponent is also expected to support the coordinated authorizations process through:

- establishing relationships with Indigenous nations and engaging in other procedural aspects of consultation as may be required;
- reaching out to government ministries and the public;
- preparing, collecting, and distributing information;
- presenting at meetings and taking meeting minutes;
- maintaining comment and response tracking tables;
- addressing issues raised by the MRC;
- developing and maintaining schedules in consultation with the EMLI project lead;
- submitting complete applications; and
- attending MRC meetings at the request of the EMLI project lead to provide updates and answer questions.

Submissions and fees

The application must be submitted to each ministry's respective intake portals for proper business processing. Table 6 below summarizes the intake, fees, and how to submit oversized documents for *Mines Act* and *Environmental Management Act* permit amendments and *Water Sustainability Act* authorizations at the time of publication. Proponents should confirm the current information for each, as well as for any other authorizations required for the project.

Table 6. Submission and fee summary for coordinated authorization applications.

Portals	Application Fee	Oversize documents
Mines Act permit applications- EMLI		
Email: permrecl@gov.bc.ca cc: EMLI Project Lead if one is assigned to the project.	\$125,000. The fee may be reduced to \$60,000 if the CPO determines that the project is less complex than usual and does not pose significant impacts. Invoiced upon submission of application. Payments are made to the "Minister of Finance" and are made via electronic funds transfer or by cheque.	Proponent may provide a link to a document sharing site in an email to the intake email inbox.
Environmental Management Act waste discharge permit applications - ENV		
AuthAdmin email: PermitAdministration.VictoriaEPD@gov.bc.ca	\$400 Invoiced upon submission of preliminary application forms. Payments are made by credit card, cheque, or money order. Further information is available online here .	Proponents must submit forms and applications less than 50MB to the ENV intake email. MRC applications and supporting documents that are 50MB or larger should be sent to the EMLI Project Lead via link to a document sharing site.
Water Sustainability Act water authorizations - FOR		
FrontCounter BC	Fee is based on how much water is required and how it is used; information is available online here . Invoiced upon submission of application. Payments are made by credit card through the FrontCounter BC online application system or by cheque.	Files up to 20MB are uploaded through FrontCounter BC. Regional FrontCounter BC offices have file transfer protocol sites to which files over 20MB can be submitted.

Coordinated authorizations process

Shown in Figure 6, the coordinated authorizations process is defined by four overarching stages: pre-application, screening, review, and drafting and decision. The process is designed to allow flexibility in the beginning as projects become more defined. Once a project is defined and all the necessary information is prepared, the application is submitted for screening and review by the MRC. Upon completion of review, permits and supporting documents are drafted and prepared for consideration by decision makers.

There are no statutory timelines for the coordinated authorizations process given the wide range of projects as well as the level of detail required to ensure projects are safe and environmentally sound. Overall, typical service timelines for major projects range from six to twelve months from

application submission to decision (notably excluding pre-application). These timelines are influenced by the project's impacts, quality, scope, schedule, resources, costs, relationships with Indigenous nations, and public engagement, as described in Section 3.1.

	Activities	Tools
Stage 1 Pre-application	<ul style="list-style-type: none"> • Introductions and engagements among the proponent, Provincial staff, Indigenous nations, and other potentially impacted groups; • Project scoping; • Recommendation made to the CPO that the project is referred to an MRC; • Identifying concerns, interests and opportunities; • Collecting and preparing baseline information and documents; • Submitting preliminary application forms and fees to ENV. • Finalization of the JIRT and issuance of the AID by ENV. 	<ul style="list-style-type: none"> • Presentations; • Project description, including an authorizations list; • Joint Application Information Requirements (JAIR) document; • Joint Information Requirements Table (JIRT); • MRC recommendation (EMLI only); • ENV Preliminary Intake Forms (ENV only); • Application Instruction Document (ENV only); • Shapefiles.
application submission		
Stage 2 Screening 1 to 2 months*	<ul style="list-style-type: none"> • Provincial staff screen the application against the JIRT for completeness; • EMLI permitting fees invoiced. 	<ul style="list-style-type: none"> • Application and supporting documents; • Final JIRT.
Stage 3 Review 4 to 8 months*	<ul style="list-style-type: none"> • Application is formally referred to an MRC by the CPO; • Application is formally referred to Indigenous nations; • Application undergoes rounds of review – the MRC provides comments and the proponent responds. There are typically two to three rounds of review; • Public engagement activities are undertaken, if required. • Summary reports and draft permits are prepared and reviewed by the proponent and MRC. 	<ul style="list-style-type: none"> • Application and supporting documents; • Comment and response tracking table; • Notice of filing.
Stage 4 Drafting 1 to 2 months*		<ul style="list-style-type: none"> • Draft permits; • MRC summary report; • Indigenous nations engagement summary report; • Public engagement summary report.
decision		

Figure 6. Stages of the coordinated authorizations process.

**Timing estimates assume high-quality applications with no major project constraints or changes.*

Throughout the process, the proponent, Provincial staff, Indigenous nations and other reviewers, work together to resolve strategic and technical issues. Adequate monitoring and documentation are needed to ensure that issues are clearly communicated, followed up on, and ideally resolved.

For example, issues can range in impact from minor schedule adjustments to significant scope changes. Table 7 below outlines some of the key tools used to throughout the process to help monitor and document permitting projects.

Table 7. Tools used throughout the coordinated authorizations process.

Tools	Purpose
<p>Schedule Schedules chronologically list key activities, phases, deliverables and milestones showing their expected dates. Schedules are typically tabular or in a Gantt format.</p>	<ul style="list-style-type: none"> • To show when permits are required by the proponent to support their construction and operations planning. • To support workload planning. • To show the sequencing of events in a logical manner. • To establish deadlines for comments and responses.
<p>Meeting Summaries/ Notes A document or email outlining the discussion, outcomes and action items from a meeting. Meeting summaries are more formal and detailed, whereas notes summarize content and document only the key points or actions/next steps.</p>	<ul style="list-style-type: none"> • To document key discussions, issues, commitments, and outcomes of meetings. • To identify and document next steps and action items. • To provide a point of reference for future use or for those unable to attend the meeting. • Draft meeting summaries or notes should be circulated with all attendees shortly after a meeting to ensure accuracy of information captured. Final summaries or notes should be distributed to attendees, and if appropriate, more broadly.
<p>Proponent’s Indigenous Engagement Record A document or table outlining the engagement activities and communications that a proponent has with Indigenous nations on the project.</p>	<ul style="list-style-type: none"> • To document the proponent’s discussions with Indigenous nations in relation to the project, including any concerns, interests or opportunities raised and how those concerns or interests were addressed. • To provide a point of reference for future use. • To support Indigenous engagement summaries and reports required in the process.
<p>Action or Issues Tracking Table A document that lists actions or issues associated with a project that documents what, when, who’s responsible, and other information as needed.</p>	<ul style="list-style-type: none"> • To document and follow up on actions or issues. • To clearly outline steps that must be taken to achieve a certain goal or resolve a certain issue.

Pre-application

Before the application is submitted, the proponent works with government, Indigenous nations and stakeholders to introduce the proposed project. The goal of the pre-application stage is to ensure proponents clearly understand requirements and responsibilities to submit a high-quality and complete application; additionally, the pre-application stage helps ministries, Indigenous nations, and other reviewers to prepare and workplan for the screening and review stages.

Proponents are encouraged to engage in early outreach to local, provincial and federal governments, local communities, and potentially affected Indigenous nations. Outreach should start well before the proponent enters the coordinated authorizations process, during advanced

exploration and project planning. Part 2 provides further information on engaging with Indigenous nations.

In addition to presentations and materials used during outreach, there are several tools used to help guide work during pre-application, as detailed in Table 8. For projects that require both *Mines Act* and *Environmental Management Act (EMA)* permits, the [Joint Application Information Requirements for Mines Act and EMA Permits Guidance \(JAIR\)](#) document summarizes the information required in joint *Mines Act/EMA* applications. The JAIR is accompanied by the [Joint Information Requirements Table for Mines Act and EMA Permit Applications \(JIRT\)](#), which is a Microsoft Word document filled in by the proponent to outline the information requirements specific to the project, based on the review of the JAIR.

The proponent submits a project description, including a list of required authorizations, along with the draft JIRT to the EMLI project lead. Provincial staff, and sometimes Indigenous nations and other reviewers who are already engaged in the project, review and comment on the project description and draft JIRT. When the review is complete, ENV encloses and sends the finalized JIRT with an Application Instruction Document (AID) to the proponent. The AID provides additional instructions regarding the *EMA* permitting process, such as public notification requirements.

Table 8. Tools used during the pre-application stage of the coordinated authorizations process.

Pre-application Tools	Purpose
<p>Introductory presentations from MMO staff Presentations given by the MMO to companies and Indigenous nations overviewing the coordinated authorizations process.</p>	<ul style="list-style-type: none"> • To introduce proponents and Indigenous nations to the coordinated authorizations process. • To provide the regulatory context and lessons learned for a successful application. • To identify available resources such as websites, contacts, and documents.
<p>Introductory project presentations Presentations given by a company overviewing the key components of a project, including schedule, infrastructure, permitting requirements, and social and environmental considerations.</p>	<ul style="list-style-type: none"> • To introduce new projects that require authorizations to government and Indigenous nations. • To allow the proponent, government, and Indigenous nations to ask initial questions about the project. • To outline process requirements to the proponent.
<p>Initial project description Proponents that are early in the process may choose to submit a summary on their general ideas, options and timelines for a project.</p>	<ul style="list-style-type: none"> • For the proponent to solicit initial feedback from government and Indigenous nations on requirements, conditions, and options for a project. Formal review is typically not completed for project descriptions. • To make government aware of a proponent's plans.

Pre-application Tools	Purpose
<p>Revised or final project description A plain-language written document that outlines the key components of a project, including a schedule, infrastructure, permitting requirements, and social and environmental considerations. An example project description is available online here.</p>	<ul style="list-style-type: none"> • To introduce new projects that require authorizations to government, Indigenous nations, and tentative MRC members. • For the proponent to solicit feedback from government and Indigenous nations on requirements, conditions, and options for a project. Formal review is typically not completed for project descriptions. • Typically accompanies a draft Information Requirements Table.
<p>Authorizations list A list of authorizations required for the project, including the specific changes that the proposed project may introduce. Authorizations lists are often included within the project description.</p>	<ul style="list-style-type: none"> • To inform Provincial staff of which ministries may need to participate in the MRC. • To inform technical staff of the specific changes that the proponent is looking to make to existing permits. • To understand scope and permitting requirements. • Should include both new permits and amendments and the specific activities that require the authorization and what changes the proponent is proposing.
<p><u>Joint Application Information Requirements (JAIR)</u> A guidance document on the technical information requirements expected to be submitted in support of a joint application for a <i>Mines Act</i> permit and an effluent discharge permit issued under the <i>EMA</i>.</p>	<ul style="list-style-type: none"> • To provide proponents with the standard information required in applications for <i>Mines Act</i> and <i>EMA</i> effluent permit applications, including baseline information, mine plan, and reclamation and closure plan. • To reduce overlap of information requirements between ministries resulting in a single set of information requirements that supports both applications. • EMLI and ENV may require additional information not listed in the JAIR specific to each project or require an explanation as to why some JAIR information is not proposed for inclusion in an application.
<p><u>Joint Information Requirements Table (JIRT, a draft version is known as a dIRT)</u> A Microsoft Word document filled in by the proponent listing the information requirements for a joint application for a <i>Mines Act</i> permit and an effluent discharge permit issued under the <i>EMA</i>.</p>	<ul style="list-style-type: none"> • To develop the information requirements required for each project. • To direct proponents on the detailed information required to support the permit applications. • Used during the screening phase as the baseline for information to be contained in the application. • Typically accompanies a project description. • After proponents submit the first draft, Provincial staff, Indigenous nations, and other reviewers will review and comment on the JIRT.

Pre-application Tools	Purpose
<p>MRC recommendation As part of project planning, the EMLI Major Mines Office may recommend to the CPO that a proposed project be referred to the coordinated authorizations process upon application acceptance.</p>	<ul style="list-style-type: none"> • To support project planning for the proponent, government, and reviewers. • To initiate pre-application activities such as scheduling and defining information requirements. • To inform the CPO of the proposed project.
<p>ENV Preliminary Application Forms Forms filled and submitted by proponents to ENV to initiate ENV business processing and to provide initial information about the project.</p>	<ul style="list-style-type: none"> • To provide information necessary to initiate business processing for <i>Environmental Management Act</i> authorizations (managed by ENV).
<p>Application Instruction Document (AID) A letter issued by ENV that instructs the proponent of process and information requirements.</p>	<ul style="list-style-type: none"> • Issued by ENV to direct proponents about public engagement requirements. • Includes the finalized JIRT, instructing proponents of information requirements for the project.
<p>Shapefiles Digital files used to geographically show the features of a project. Shapefiles can be displayed in geographic information systems (GIS), Google Earth, and other systems to create a map of the project area.</p>	<ul style="list-style-type: none"> • To create maps of project areas, for example to show proposed disturbances. • To show overlapping Aboriginal Interests. This helps inform which Indigenous nations need to be consulted. • To integrate with other government GIS systems and projects (e.g. cumulative effects projects).

Submission and screening

After completing necessary baseline and assessment studies to adequately address identified issues and potential impacts and meet information requirements, the proponent should submit an application package that meets the application requirements identified in the pre-application stage. The purpose of the screening stage is to identify significant gaps within the application, and to ensure that the application is ready for detailed review by the full MRC.

Listed in Table 9 below, the JIRT document developed by the proponent will assist in the screening of the application to ensure that it is complete and sufficient for a full review by the MRC. If the application package is deemed incomplete or insufficient (e.g. missing information identified in the JIRT), the proponent will be asked to make any necessary revisions or submit any outstanding information; the project schedule may need to be adjusted if the missing information impacts reviewers' ability to initiate the review phase. If a significant amount of information is missing, the proponent may be asked to re-submit the entire application package.

For planning purposes, proponents can estimate 1 to 2 months for the screening phase, though timelines will vary depending on the size and complexity of the application.

Table 9. Tools used during the screening stage of the coordinated authorizations process.

Screening Tools	Purpose
<p>Application A document that specifies all aspects of a proposed project. Applications often include several appendices that provide in-depth technical details. Applications can range from tens to thousands of pages depending on the scope of the project.</p>	<ul style="list-style-type: none"> • To provide all necessary information about a project to all MRC reviewers, including government, Indigenous nations, and stakeholders.
<p>Final Joint Information Requirements Table A pdf document listing the confirmed information requirements for a joint application for a <i>Mines Act</i> permit and an effluent discharge permit issued under the <i>EMA</i>.</p>	<ul style="list-style-type: none"> • To describe where in the application information requirements are located. • Proponents are required to submit a copy of the JIRT with their application, which is used to screen the application against.

Review

The purpose of the review stage is for all members of the MRC to complete a detailed review of the application and its supporting documents. Once an application package is accepted into the review phase of the coordinated authorization process, the EMLI project lead will inform the proponent that the application was screened and accepted for review. The EMLI project lead will distribute the application package to MRC members.

The review period is characterized by rounds of review in which MRC reviewers provide comments and the proponent provides responses to those comments. These are managed in a Comment and Response Tracking Table. As described in Table 10, the Tracking Table is typically a Microsoft Excel workbook. An example of a typical Tracking Table is provided in **Appendix C**, though this may be modified to accommodate project needs.

There are typically two to three rounds of review with the goal of resolving all questions, concerns, and issues that arise. If necessary, the proponent, EMLI project lead, technical staff, Indigenous nations, and other reviewers as applicable may work with managers in their respective organizations to help resolve challenging issues. Issues that are not resolved by technical responses from the proponent may be directed to a different forum, if appropriate. Where issues are considered unresolved, they are described in the MRC Summary Report for the SDMs to consider as part of their decision.

Formal Indigenous consultation is conducted during the review phase. While Indigenous nations are involved throughout the process, the Province sends referral letters to Indigenous nations

upon receipt and acceptance of the application. As described in Part 2, this process may be prescribed by consultation agreements between B.C. and specific Indigenous nations.

Public engagement may also be required during the review period. Public engagement requirements should be discussed and confirmed during the pre-application phase. Proponents are encouraged to engage the public by hosting informational open houses, making information available online, meeting with potentially affected stakeholders, and other opportunities as appropriate.

If required, direction will be provided to the proponent by the respective ministry. If public notification is required under the *Environmental Management Act (EMA)* Public Notification Regulation, ENV may have provided information and requirements in the Application Instruction Document to be carried out either before application submission or during the review process. Under Sections 10.2.1 and 10.2.2 of the HSRC, the CPO may also require that the proponent publish a notice in B.C.'s Gazette and in local newspapers regarding the *Mines Act* application. The proponent should work with Provincial staff to ensure that public engagement requirements and efforts are well understood and coordinated where possible.

For planning purposes, proponents can estimate 4 to 8 months for the entire review phase, though timelines will vary depending on the size and complexity of the application.

Table 10. Tools used during the review stage of the coordinated authorizations process.

Review Tools	Purpose
<p>MRC referral Under Section 9 of the <i>Mines Act</i>, the CPO must establish and chair an advisory committee to review applications. This step is typically completed via email by EMLI.</p>	<ul style="list-style-type: none"> • To document the establishment of an advisory committee to review an application referred to it by the CPO. • To obtain the CPO's referral of an application to an MRC, and to confirm the <i>Mines Act</i> permit application fee.
<p>Comment and Response Tracking Table MRC reviewer comments and the proponent's responses are typically managed in an Excel Workbook. Final comment and response tracking tables are included as part of the SDM package.</p>	<ul style="list-style-type: none"> • For proponents to consolidate and track reviewers' comments about an application. • For proponents to respond to reviewer's comments (either directly in the tracking table, or referencing another document). • For reviewers to consider proponents' responses. • To track and manage all review comments in a consolidated manner. • To identify which comments are open or closed. • To track potential permit conditions and other requirements.
<p>Notice of Filing (HSRC) A notice that is posted in the B.C. Gazette and in local newspapers regarding the filing of the <i>Mines Act</i> application.</p>	<ul style="list-style-type: none"> • To notify the public about the project. • To provide an opportunity for the public to provide written comments to the CPO about the project. • Should be coordinated with any public engagement activities required by other authorization processes, such as under the <i>EMA</i>.

Review Tools	Purpose
<p>Public posting and notification (Environmental Management Act) Public and stakeholder posting and notification materials (e.g. notices in newspapers or site billboards) may be required under the Public Notification Regulation of the <i>EMA</i></p>	<ul style="list-style-type: none"> • To notify the public about the project. • To provide an opportunity for the public and stakeholders to provide written comments to the director about the project. • Project specific requirements are provided to the proponent in the Application Instruction Document (see Table 7). • Should be coordinated with any public engagement activities required by other authorization processes, such as under the HSRC.

Drafting and decision

The project may advance to drafting once all issues raised during the review period are resolved or otherwise addressed. This stage involves the drafting of permits (or permit amendments) and the documents that accompany them for consideration by SDMs.

Provincial staff support SDMs in the drafting of applicable permits or amendments based on the information provided in the application as well as any conditions that were identified during the review process.

The EMLI project lead drafts an MRC summary report, containing information on the review process undertaken to address statutory requirements (including a summary of Indigenous consultation and public engagement), details of all of the issues raised and how they were addressed, and matters to be taken into consideration by each SDM in making a decision.

Provincial staff additionally prepare a separate, more detailed report on engagement with Indigenous nations. This report identifies Indigenous nations’ interests and suggested mitigations, provides details of the consultation process, and provides an assessment of how the process satisfied the Province’s legal obligations to consult and accommodate.

The proponent may be asked to prepare necessary documents, such as a summary of the public and stakeholder engagement activities that occurred for the project and figures/maps for inclusion in the permit document. The decision package also includes the finalized Comment and Response Tracking Table.

Table 11 below lists the documents that may go to the SDMs as part of the decision package. Proponents and MRC members have the opportunity to review the decision package, including the draft permit conditions and supporting documents. Comments or edits from proponents and MRC members are shared and are included for consideration by the SDM. After all package materials are complete and referred, the SDM makes a decision on whether to issue the permit. Decisions must be unfettered and based on administrative fairness. This means that decisions may take several days or weeks for the SDM to review materials and contemplate the decision.

For planning purposes, proponents can estimate 1 to 2 months for the drafting and decision phase, though timelines will vary depending on the size and complexity of the application.

Table 11. Tools used during drafting and decision stage of the coordinated authorizations process.

Drafting & Decision Tools	Purpose
<p>MRC Summary Report The MRC Summary Report is a document that summarizes the key issues, resolutions, processes, engagements, and considerations related to an application and its respective review process.</p>	<ul style="list-style-type: none"> • To provide sound information and recommendations to SDMs on an application. • To document and summarize issues, resolutions, commitments, processes, engagements, and considerations associated with that application, project and permits.
<p>Public Engagement Summary Report A report that lays out how public engagement requirements were achieved by the proponent. The report also includes a tracking table showing comments and responses.</p>	<ul style="list-style-type: none"> • To inform decision makers of any public engagement activities, comments, and responses as part of the application process. • To document public comment and responses on a project.
<p>Draft permits A draft version, typically in Microsoft Word, of permits or permit amendments that is circulated to the proponent and MRC members for review and comment.</p>	<ul style="list-style-type: none"> • To allow the proponent and reviewers to review and comment on recommended permit conditions before they are referred to the Statutory Decision Maker. • To include tear sheets from newspaper and Gazette publications.
<p>Final permit The permit that is signed by a statutory decision maker. This is outside of the MRC process.</p>	<ul style="list-style-type: none"> • To establish the allowable works and activities associated with a mine site or project. • To establish the regulatory requirements that will be used to verify compliance.

Section 3.3 Coordinated Authorizations Summary

Complex projects that require multiple authorizations benefit from dedicated coordination and communication across Provincial ministries. Projects can be assessed in their entirety and duplication of effort is reduced for the proponent, Indigenous nations, and Provincial staff. The coordinated authorizations process is defined by four stages: pre-application, screening, review, and drafting and decision and is led by an EMLI project lead. A Mine Review Committee (MRC) is struck to evaluate the project, particularly for the review phase. MRC members include Provincial staff, Indigenous nations, and other potentially impacted groups. The MRC provides recommendations to SDMs to support the decision making process. The intended outcome of the coordinated authorizations process is durable decisions that reflect the interests of all parties involved.

Glossary

The following definitions are provided to support the interpretation of this Guide only. They do not extend, limit, or otherwise change the meaning of the same terms used elsewhere.

Aboriginal Interests means claimed or established treaty rights or Aboriginal rights (including title) that are recognized and affirmed under section 35 of the *Constitution Act, 1982*.

Act (noun) means the highest form of provincial or federal legislation, which sets Province- or country-wide requirements (respectively) and includes provisions that are broadly applicable for the given subject area (e.g. the provincial *Mines Act* or the federal *Fisheries Act*).

AID see *Application Instruction Document*.

Annual Reclamation Report means a report submitted by a proponent to EMLI that summarizes all activities conducted on a mine site over the previous year.

Application Instruction Document (AID) means a letter issued by the Ministry of Environment and Climate Change Strategy that instructs a proponent of process and information requirements for a waste discharge authorization application.

Approval, in the context of the *Environmental Management Act*, means a short term authorization, to a maximum of 15 months, for waste discharges issued under Section 15 of the *Environmental Management Act*.

Authorization means a document that enables specific works or activities that are otherwise prohibited by law. An authorization is issued to a defined individual or company (who is typically referred to as the “holder”). The term “authorizations” is used as an umbrella term and may refer to permits, licences, certificates, registrations and other types of instruments specific to certain works or activities. Authorizations are subordinate to Acts and regulations.

B.C. means British Columbia.

B.C. mining regulatory continuum see *Regulatory Continuum*.

B.C.’s Gazette is a provincial publication that provides legal notices and provincial regulations.

Bond or bonding see *security*.

Calls to Action means the 94 calls to action in the Truth and Reconciliation Commission’s report that provide a road map for governments, communities, institutions, organizations, and industries to acknowledge and address the legacy of residential schools and develop a vision of reconciliation based on mutual respect.

Change Approval means an authorization issued under the *Water Sustainability Act* that enables the holder to make complex changes in or about a stream in accordance with the approval.

Chief Executive Assessment Officer means the individual, or a delegate, appointed under the *Environmental Assessment Act* and is primarily responsible for making administrative and process decisions associated with Environmental Assessments.

Chief Gold Commissioner means the individual, or a delegate, appointed under the *Mineral Tenure Act* and is primarily responsible for administering and making decisions under the *Mineral Tenure Act* and the *Coal Act*.

Chief Inspector of Mines (CIM) means the individual, or a delegate, appointed under the *Mines Act* and is primarily responsible for administering and making decisions under the *Mines Act* in regards to health and safety, inspections and investigations, and compliance and enforcement.

Chief Permitting Officer (CPO) means the individual, or a delegate, appointed under the *Mines Act* and is primarily responsible for administering and making decisions under the *Mines Act* in regards to permitting.

CIM see *Chief Inspector of Mines*.

Claim see *Mineral Claim*.

Coal lease means a lease issued under the *Coal Act* that gives the holder sub-surface rights to coal resources and enables the holder to produce coal from the lease area in accordance with the lease terms and a *Mines Act* permit.

Coal licence means a licence issued under the *Coal Act* that gives the holder the exclusive right to explore for and develop Crown owned coal resources from a coal licence in accordance with the licence.

CPO see *Chief Permitting Officer*.

Compliance means the state of meeting regulatory requirements. Being 'in compliance' means that regulatory requirements are being met; being 'out of compliance' means that regulatory requirements are not being met.

Consultation means the formal referral and response process between the Province and Indigenous nations that fulfills the Province's legal obligation to consult on land and resource decisions that could impact Aboriginal Interests.

Coordinated authorizations means the process designed for evaluating large and complex *Mines Act* permitting projects. The process is coordinated through an EMLI project lead and typically

involves the assessment of two or more authorizations required for a project. The coordinated authorizations process is used for applications referred to an advisory committee (Mine Review Committee) under Section 10.3.1 of the HSRC.

Declaration Act means the B.C. *Declaration on the Rights of Indigenous Peoples Act*, including any amendments.

Deemed authorization *see Notice of Deemed Authorization.*

Departure from Approval means an application submitted by a proponent to the Chief Permitting Officer to make a substantial change to a mine plan and reclamation program under Section 10.1.18 of the HSRC. Written approval must be obtained prior to initiating any project works or activities.

dIRT means a draft version of an Information Requirements Table or a draft versions of a Joint Information Requirements Table.

Draft Principles means B.C.'s 10 Draft Principles that help guide all Provincial staff on continuing to build relationships with Indigenous peoples based on respect and recognition of inherent rights.

EA *see Environmental Assessment.*

EAA means the B.C. *Environmental Assessment Act* (2018).

EAC or EA Certificate *see Environmental Assessment Certificate.*

EAO *see Environmental Assessment Office.*

ECDA *see Economic and Community Development Agreement.*

Economic and Community Development Agreement (ECDA) means an agreement between B.C. and one or more Indigenous nations for the sharing of mineral tax revenues.

EFN *see Environmental Flow Needs.*

EMA means the B.C. *Environmental Management Act.*

EMLI *see Energy, Mines and Low Carbon Innovation.*

Energy, Mines and Low Carbon Innovation (EMLI) means the B.C. ministry responsible for the *Mines Act*, *Mineral Tenure Act*, and the *Coal Act*.

Enforcement means action taken by government if a proponent is not meeting regulatory requirements. Enforcement tools may include orders, warnings, sanctions, violations tickets, administrative penalties, and court prosecution.

Engagement is a general term to describe the communications and activities held between one or more parties that may or may not be on a specific topic or project.

ENV see *Environment and Climate Change Strategy*.

Environment and Climate Change Strategy (ENV) means the B.C. ministry responsible for the *Environmental Management Act* and the *Environmental Assessment Act*.

Environmental Assessment (EA), when capitalized, means the process prescribed under the *Environmental Assessment Act* that reviewable projects must undergo in order to obtain an EA Certificate.

Environmental Assessment Certificate (EAC or EA Certificate) means an authorization issued under the *Environmental Assessment Act* that allows the holder to obtain permits for a reviewable project in accordance with the certificate.

Environmental Assessment Office (EAO) means the office within ENV responsible for administering the *Environmental Assessment Act*.

Environmental Flow Needs (EFN) means the volume and timing of water flow required for proper functioning of an aquatic ecosystem. A water manager must consider EFN when deciding a water licence or use approval application on a stream or on an aquifer that is hydraulically connected to a stream.

FOR see Forests.

FMC see *Free Miner Certificate*.

Forests (FOR) means the B.C. ministry responsible for authorizations under the *Water Sustainability Act*, *Land Act*, *Forest Act*, *Wildlife Act*, and the *Heritage Conservation Act*.

Free Miner Certificate (FMC) is a certificate issued to a person who applies for and meets the requirement to become a Free Mine under Section 8 of the *Mineral Tenure Act*. A person must be a Free Miner to register and maintain a mineral title and to access their mineral title during exploration and development. A person is not required to hold an FMC to own coal titles.

Free use permit means an authorization issued under the *Forest Act* that enables the holder to clear trees for exploration and mining activities in accordance with the permit. If less than or equal to 50 cubic metres of wood is to be harvested, the permit is issued by the CPO (EMLI) in response to a Notice of Work application. If more than 50 cubic metres of timber is to be harvested, an

occupant licence to cut application must be completed and submitted to FOR for approval by the District Manager.

General permit means an authorization issued under the *Wildlife Act* that enables the holder to possess, trap or kill wildlife or destroy birds nests in accordance with the permit.

HA means Health Authority.

Health operating permit means a permit issued under the *Public Health Act* that enables the holder to construct and operate food premises in accordance with the permit.

Heritage inspection permit means an authorization issued under the *Heritage Conservation Act* that enables the holder to inspect a location for the presence of archaeological deposits and to evaluate the significant of the site in accordance with the permit.

Heritage investigation permit means an authorization issued under the *Heritage Conservation Act* that enables the holder to study a heritage site, to assess the impacts of proposed development, and to obtain a more fulsome record of the site. This may include site testing, recording, removal and analysis of artefacts, features and other material necessary for the purpose of the study in accordance with the permit.

Highway use permit means an authorization issued under the *Transportation Act* that enables the holder to create access to a highway or to construct, repair or maintain works in accordance with the permit.

HSRC means the Health, Safety and Reclamation Code for Mines in B.C.

Indigenous nations is used generally and may refer to First Nation, Inuit, or Metis communities, groups, governing bodies, or their representatives. Proponents should work with Indigenous nations and Provincial staff directly to learn the terms and names specific to their project area.

Information Requirements Table (IRT) means a document detailing (in a table) the technical information requirements that needs to be included in an application. IRTs are primarily used in ENV's application processes under the *EMA*: such as air emission, hazardous waste, solid waste, and effluent discharge applications. *Also see Joint Information Requirements Table (JIRT).*

Interests, when lower case, means the common definition of the word; this differs from Aboriginal Interests.

IRT *see Information Requirements Table.*

JIRT *see Joint Information Requirements Table.*

Joint Application Information Requirements (JAIR) means a guidance document published by EMLI and ENV regarding the technical information requirements expected to be submitted in support of a joint *Mines Act* and *EMA* effluent permit application for a mine project.

Joint Information Requirements Table (JIRT) means an Information Requirements Table that includes information requirements for joint *Mines Act* and *Environmental Management Act* applications under the coordinated authorizations process.

Mine review committee (MRC) means an advisory committee established by the Chief Permitting Officer under Section 9 of the *Mines Act* to review a project-specific application, and is the primary forum for the coordinated authorizations process.

Mineral claim means a claim issued under the *Mineral Tenure Act* that gives the holder the exclusive right to explore for, develop and produce Crown owned mineral resources from a cell claim in accordance with the claim.

Mineral lease means a lease issued under the *Mineral Tenure Act* that gives the holder sub-surface rights to mineral resources and enables the holder to produce mineral ore from a cell claim in accordance with the lease.

Mines Act permit means an authorization issued under section 10 of the *Mines Act* that enables the holder to conduct exploration activities or to construct and operate a mine in accordance with the permit.

MOTI *see Transportation and Infrastructure.*

NDA *see Notice of Deemed Authorization.*

NoD *see Notice of Departure (Departure from Approval).*

Non-substantial, in the context of Notices of Departure, has the same meaning as defined in the Departure from Approval Guidance for Major Mine Permit Holders guidance document.

Notice of Deemed Authorization (NDA) means a notification submitted by a proponent to the Chief Permitting Officer to undertake activities that are deemed authorized under the Permit Regulation of the *Mines Act*.

Notice of Departure (NoD) *see Departure from Approval.*

Notice of Work (NoW) means an application submitted by a proponent to the Chief Permitting Officer to undertake exploration activities. A permit must be obtained prior to initiating any project works or activities.

Notification, in the context of the *Environmental Management Act*, means a written notice submitted in accordance with a specific Code of Practice containing specific information about an operation or regulated activity from a proponent to the Ministry of Environment and Climate Change Strategy.

NoW *see Notice of Work.*

Occupant licence to cut (OLTC) means an authorization issued under the *Forest Act* that enables the holder to cut, or cut and remove, Crown timber in accordance with the permit.

OLTC *see Occupant licence to cut.*

Progressive reclamation means the gradual reclaiming of land and water resources throughout the life of a mine to ensure progression towards the planned end use of the landscape.

Proponent is used generally and means any individual, group, or business undertaking, or who may undertake, regulated activities described in this Guide.

Registration, in the context of the *Environmental Management Act*, means a registration made under a regulation of the *Environmental Management Act* in order to undertake regulated works or activities: for example, registration under the Petroleum Storage and Distribution Facilities Storm Water Regulation or the Municipal Wastewater Regulation.

Regulation means an instrument that is made under and is subordinate to an Act. Regulations support Acts by providing more details on subject matters. Regulations may include codes and codes of practice made under an Act.

Regulatory continuum means the chronological sequencing of cross-ministry authorization and compliance activities as they relate to the life stages of a mine.

Reviewable project means a project that is subject to an Environmental Assessment, either by meeting or exceeding thresholds or that is otherwise designated. Permits and other authorizations cannot be issued for a reviewable project until an EA Certificate is issued for that project.

SDM *see Statutory Decision Maker.*

SEA *see Strategic Engagement Agreement.*

Security means money held by the Province to ensure reclamation obligations are kept by mining companies. Security is only returned once the mine site is reclaimed to a satisfactory level and there are no ongoing monitoring or maintenance requirements.

Short term use (STU) approval *see Use Approval.*

Site alteration permit means an authorization issued under the *Heritage Conservation Act* that enables the holder to remove residual archaeological deposits in accordance with the permit once a heritage inspection and/or investigation is complete.

Special use permit means an authorization issued under the Provincial Forest Use Regulation under the *Forest Practices Code of British Columbia* that enables the holder to construct and maintain mining access roads on Provincial forest land in accordance with the permit. Separate authorization is required to cut timber, such as a free use permit or an occupant licence to cut.

Statutory Decision Maker (SDM) means an individual within the public service designated under an Act to make decisions under and administer that Act.

Strategic Engagement Agreement (SEA) means an agreement between the Province and one or more Indigenous nations that establishes procedures for consultation and accommodation.

STU see *Use Approval*.

Substantial, in the context of Notices of Departure, has the same meaning as defined in the Departure from Approval Guidance for Major Mine Permit Holders guidance document.

Tenure, in the context of the *Land Act*, means a lease, licence of occupation, or a temporary licence of occupation for Crown land. Crown land is land, including land covered by water (e.g. rivers, lakes, ocean seabed), that is owned by the provincial or federal government. A Crown land tenure is an agreement between an individual or company and the provincial or federal government which provides the individual or company with an interest in the land. Tenures are granted for specific purposes and periods of time.

Title (coal or mineral) means a coal licence, coal lease, mineral claim, placer claim, mineral lease, or placer lease.

Transportation and Infrastructure (MOTI) means the B.C. ministry responsible for the *Transportation Act*.

Treaty, in the context of Indigenous relations, means a historic or modern agreement between the Crown and an Indigenous nation that sets out clearly defined rights and responsibilities.

UN Declaration see *United Nations Declaration on the Rights of Indigenous Peoples*.

UNDRIP see *United Nations Declaration on the Rights of Indigenous Peoples*.

United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration or UNDRIP) means the United Nation's declaration that emphasizes the Indigenous peoples' rights to live in dignity, to maintain and strengthen Indigenous institutions, cultures and traditions and to pursue self-determined development, in keeping with Indigenous needs and aspirations.

Use approval or short term use (STU) approval means an authorization issued under the *Water Sustainability Act* that enables the holder to divert and use water for a period of up to 24 months in accordance with the approval.

Waste discharge permit means a site-specific authorization issued under the *Environmental Management Act* that enables the holder to discharge waste to the environment in accordance with the requirements and conditions specified in the permit.

Water licence means an authorization issued under the *Water Sustainability Act* that enables the holder to divert, store and use water in accordance with the licence.

Water supply construction permit means an authorization issued under the *Drinking Water Protection Act* that enables the holder to construct, install, alter, or extend a water supply system in accordance with the permit.

Water supply operation permit means an authorization issued under the *Drinking Water Protection Act* that enables the holder to operate a water supply system in accordance with the permit.

WSA means the B.C. *Water Sustainability Act*.

Resources

Click on the title to follow the link.

Laws

[BC Laws \(website\)](#)

B.C.'s landing page to access all laws of B.C. Site also includes B.C.'s Gazette.

[Coal Act \(website\)](#)

B.C.'s *Coal Act* and regulations.

[Declaration on the Rights of Indigenous People Act \(website\)](#)

B.C.'s *Declaration on the Rights of Indigenous People Act*.

[Environmental Assessment Act \(website\)](#)

B.C.'s *Environmental Assessment Act* (2018) and regulations.

[Environmental Management Act \(website\)](#)

B.C.'s *Environmental Management Act* and regulations.

[Government of Canada Consolidated Acts \(website\)](#)

Homepage to access all laws of the federal government.

Health, Safety and Reclamation Code for Mines in B.C. ([website](#) or [PDF, 1.8MB](#))

B.C.'s Health, Safety and Reclamation Code for Mines in British Columbia

[Mineral Tenure Act \(website\)](#)

B.C.'s *Mineral Tenure Act* and regulations.

[Mines Act \(website\)](#)

B.C.'s *Mines Act* and regulations.

[Water Sustainability Act \(website\)](#)

B.C.'s *Water Sustainability Act* and regulations.

Indigenous relations

[Building Relationships with First Nations: Respecting Rights and Doing Good Business \(PDF, 521KB\)](#)

A guidance document that introduces industry to working with Indigenous nations and consultation processes.

[Building Relationships with Indigenous Peoples \(website\)](#)

B.C.'s landing page for information about the Province's relationships with Indigenous nations, including information about the UN Declaration, Calls to Action, and Draft Principles.

[Consulting with First Nations \(website\)](#)

B.C.'s landing page for information about engaging and consulting with Indigenous nations on natural resource decisions.

[Draft Principles that Guide the Province of B.C.'s Relationship with Indigenous Peoples \(PDF, 137KB\)](#)

The Province of B.C.'s original Draft Principles document.

[Economic and Community Development Agreements \(ECDAs\) \(website\)](#)

A listing of ECDAs between B.C. and Indigenous nations.

[First Nations A-Z Listing \(website\)](#)

An alphabetical listing of Indigenous nations with links to more information and documents, including agreements between B.C. and each Indigenous nation.

[First Nations Negotiations \(website\)](#)

Information about different types of agreements between B.C. and Indigenous nations.

[Free, Prior and Informed Consent: within the Context of UNDRIP and Environmental Assessments \(PDF, 188KB\)](#)

A graphic illustrating how B.C.'s Environmental Assessment process implements the UN Declaration.

[Guide to Involving Proponents when Consulting First Nations \(PDF, 356KB\)](#)

A guidance document for Provincial staff that details how to involve proponents in engagement and consultation processes with Indigenous nations. The guide is also valuable for proponents to understand the expectations and processes.

[Indigenous Engagement \(website\)](#)

General guidance for proponents for engaging with Indigenous nations on mining projects.

[Strategic Engagement Agreements \(SEAs\) \(website\)](#)

A listing of SEAs between B.C. and Indigenous nations.

[Treaty Process \(website\)](#)

Information about treaties and the six stage treaty process.

[Truth and Reconciliation Commission of Canada \(TRC\): Calls to Action \(PDF, 299KB\)](#)

The TRC's original Calls to Action (2015) document.

[United Nations Declaration on the Rights of Indigenous Peoples \(the UN Declaration\) \(PDF, 165KB\)](#)

The UN's original Declaration (2008).

[Updated Procedures for Meeting Legal Obligations when Consulting with First Nations \(PDF, 799KB\)](#)

A document for Provincial staff that details standard procedures for consultation with Indigenous nations in order to fulfill the Province's duty to consult, unless otherwise prescribed by a SEA, treaty, or other agreement.

Mineral and coal exploration

[Exploration \(website\)](#)

B.C.'s landing page for information about *Mines Act* permitting for exploration activities.

[FrontCounter BC \(website\)](#)

B.C.'s virtual portal for submitting certain types of authorization applications including notices of work, free miners certificates, notices of deemed authorization, and water, wildlife, and land tenure authorizations.

[Mineral and Coal Exploration Notice of Work Application Companion \(PDF, 13.7MB\)](#)

Information about how to prepare, complete, and submit Notice of Work applications.

[Mineral Exploration & Mining \(website\)](#)

B.C.'s landing page for information about mineral exploration and mining topics.

[Mineral Titles \(website\)](#)

Information about mineral, placer, and coal titles, as well as reserves.

[Mineral Titles Online \(website\)](#)

B.C.'s online system to search, map and acquire mineral and coal titles.

[Handbook for Mineral and Coal Exploration in British Columbia \(PDF, 4.4MB\)](#)

Information about conducting mineral and coal exploration activities to help ensure worker health and safety and protection of the environment.

Environmental Assessments

[B.C. Mine Information Site \(website\)](#)

An online resource site with information about specific major mines in B.C. including *Mines Act*, *EMA*, and *EAA* authorizations, compliance oversight and other documents.

[Environmental Assessment Office Project Information Centre \(EPIC\) \(website\)](#)

An online resource site with information about EA projects, decisions, and documents.

[Environmental Assessment Process \(website\)](#)

Information about the stage of the Environmental Assessment Process under the 2018 *EAA*.

[Environmental Assessments \(website\)](#)

B.C.'s landing page for information about the Environmental Assessment Office and Environmental Assessments.

[Impact Assessment Agency of Canada \(website\)](#)

Landing page for the federal Impact Assessment Agency of Canada.

***Mines Act* authorizations and coordinated authorizations**

[Annual Reclamation Reports \(website\)](#)

Information about Annual Reclamation Report requirements for proponents.

[B.C. Mine Information Site \(website\)](#)

An online resource site with information about specific major mines in B.C. including *Mines Act*, *EMA*, and *EAA* authorizations, compliance oversight and other documents.

[Coordinated Authorizations \(website\)](#)

Information about and documents for the coordinated authorizations process.

[Departure from Approval Guidance for Major Mine Permit Holders \(PDF, 495KB\)](#)

A guidance document to help proponents assess whether proposed regulated activities require written approval from the CPO.

[Departure from Approval Self-Assessment Form \(DOCX, 104KB\)](#)

A self-assessment form used by proponents to assess whether proposed regulated activities require written approval from the CPO.

[Explosives Magazine Storage and Use \(website\)](#)

Information about *Mines Act* permitting for explosives magazine storage and use.

[FrontCounter BC \(website\)](#)

B.C.'s virtual portal for submitting certain types of authorization applications including notices of work, free miners certificates, notices of deemed authorization, and water, wildlife, and land tenure authorizations.

[Geotechnical Information \(website\)](#)

Information about geotechnical incidents, dams and water management infrastructure, dam safety inspections, and mined rock and overburden piles.

[Joint Information Requirements for Mines Act and Environmental Management Permits \(PDF, 637KB\)](#)

A guidance document published by EMLI and ENV regarding the technical information requirements expected to be submitted in support of a joint *Mines Act* and *EMA* effluent permit application.

[Joint Information Requirements Table for Mines Act and Environmental Management Permits \(DOCX, 64KB\)](#)

The Information Requirements Table for joint *Mines Act* and *Environmental Management Act* applications under the coordinated authorizations process.

[Metal Leaching and Acid Rock Drainage \(ML/ARD\) \(website\)](#)

Landing page with links to B.C.'s ML/ARD guidelines and policy.

[Mine Permitting \(website\)](#)

B.C.'s landing page for information about mine permitting.

[Mineral and Coal Exploration Notice of Work Application Companion \(PDF, 13.7MB\)](#)

Information about how to prepare, complete, and submit Notice of Work applications.

[Mines Act Deemed Authorizations \(Notices of Deemed Authorization\) \(website\)](#)

Information about Notices of Deemed Authorization.

[Mines Act Permit Application Fees \(website\)](#)

Information about permit application fees under the *Mines Act*.

[Project Description Example \(PDF, 540KB\)](#)

An example of a project description that proponents may prepare during the pre-application phase of the coordinated authorizations process.

[Reclamation and Closure \(website\)](#)

Information about reclamation and closure requirements for proponents.

[Reclamation Securities \(website\)](#)

Information about securities (bonding) for proponents.

[Types of Authorizations \(website\)](#)

A searchable table of key regulated activities related to mining that require provincial authorization.

Environmental Management Act authorizations

[Apply for a Waste Discharge Authorization \(website\)](#)

Information about applying for waste discharge authorizations.

[B.C. Mine Information Site \(website\)](#)

An online resource site with information about specific major mines in B.C. including *Mines Act*, *EMA*, and *EAA* authorizations, compliance oversight and other documents.

[Find Authorization Information \(website\)](#)

Information about where to find authorization documents, compliance inspections, and environmental data.

[Waste Discharge Authorizations \(website\)](#)

B.C.'s landing page for information about waste discharge authorizations under the *EMA*.

Water authorizations

[Dam Safety \(website\)](#)

Information about the Dam Safety Regulation.

[Environmental Flow Needs \(website\)](#)

Information about environmental flow needs including exemptions, assessment and reporting.

[FrontCounter BC \(website\)](#)

B.C.'s virtual portal for submitting certain types of authorization applications including notices of work, free miners certificates, notices of deemed authorization, and water, wildlife, and land tenure authorizations.

[Regional Terms and Conditions and Timing Windows \(website\)](#)

Information about terms and conditions and timing windows (e.g. fish windows) in different regions of the Province.

[Water Licences and Approvals \(website\)](#)

Information about beneficial use authorizations, water licences, use approvals, and change approvals under the *WSA*.

[Water Licencing and Rights \(website\)](#)

B.C.'s landing page for information about water licencing and rights.

Compliance and enforcement

[Conservation Officer Service \(website\)](#)

Information about B.C.'s Conservation Officer Service, which has special authorities to enforce ENV and FOR laws such as the *Environmental Management Act*, *Water Sustainability Act*, and *Wildlife Act*.

[EAO Compliance and Enforcement for EA Projects \(website\)](#)

Information about EAO's compliance and enforcement approach.

[EMLI Mining Compliance and Enforcement \(website\)](#)

Information about EMLI's compliance and enforcement approach.

[Environmental Compliance in BC \(website\)](#)

Information about ENV's compliance and enforcement approach.

[Natural Resource Compliance and Enforcement Approach \(website\)](#)

Information about the cross-ministry compliance and enforcement approach including the [Natural Resource Compliance Management Framework \(PDF, 630KB\)](#).

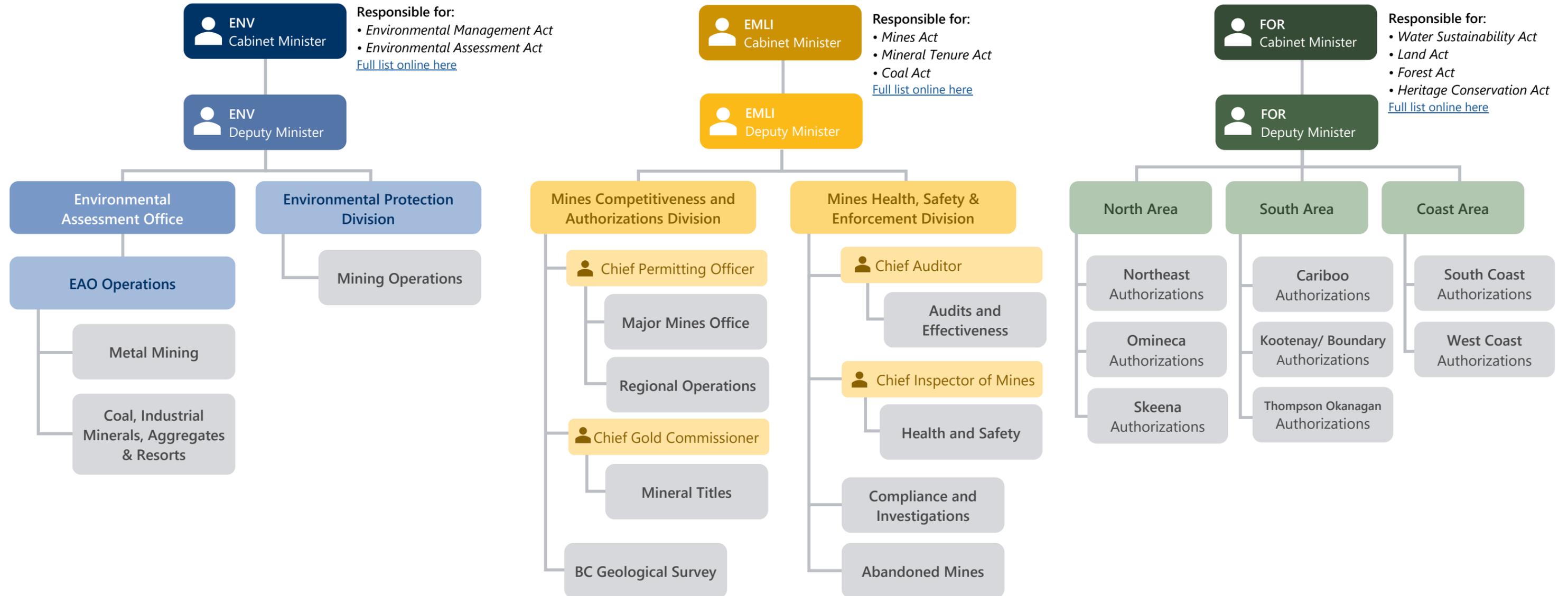
[Natural Resource Compliance and Enforcement Database \(website\)](#)

An online searchable database containing records, documents and details of cross-ministry compliance and enforcement activities.

[Natural Resource Officers \(website\)](#)

Information about B.C.'s Natural Resource Officer Service, which has special authorities to enforce FOR laws such as the *Land Act*, *Heritage Conservation Act*, and the *Forest Act*.

Appendix A: Structure of B.C. Ministries that Oversee Mine Authorizations



Appendix B: Key Activities Requiring Authorizations

Click on the authorization name to find more information online. Readers should confirm authorization requirements with Provincial staff prior to undertaking any regulated activities.

This Appendix is available as a [searchable table on the Province of B.C.'s website](#)

Activity	Act	Authorization	Ministry	Decision Maker*	Description
Ability to obtain authorizations for a reviewable project.	<i>Environmental Assessment Act</i>	Environmental Assessment Certificate	EAO	Minister	To obtain authorizations for a reviewable project. Required for any project that meets or exceeds thresholds or are otherwise designated.
Acquire and access mineral title	<i>Mineral Tenure Act</i>	Free Miner Certificate	EMLI Mineral Titles	n/a	To explore for, acquire and maintain mineral titles and to access mineral title area.
Altering archeological site or removing materials	<i>Heritage Conservation Act</i>	Site Alteration Permit	FOR Archaeology Branch	Director	To alter or destroy an archeological site, or to remove materials from an archeological site, including culturally modified trees.
Assess the archeological significance of a site	<i>Heritage Conservation Act</i>	Inspection Permit	FOR Archaeology Branch	Director	To inspect a property for the presence of archaeological deposits, to assess potential impacts to archaeological deposits by a proposed development, to evaluate the significance of the site, and to provide enough information to formulate management recommendations for the site.
Camp construction	<i>Mines Act</i> HSRC	Mines Act Permit	EMLI	Chief Permitting Officer	Industrial camps must comply with the Industrial Camp Regulation of the <i>Public Health Act</i> and the HSRC of the <i>Mines Act</i> . Proponents should contact the Regional Health Authority and EMLI to determine necessary authorizations.
	<i>Public Health Act</i> Industrial Camp Regulation	Industrial Camp Approvals	Regional Health Authority	Environmental Health Officer	Industrial camps must comply with the Industrial Camp Regulation of the <i>Public Health Act</i> and the HSRC of the <i>Mines Act</i> . Proponents should contact the Regional Health Authority and EMLI to determine necessary authorizations.
Changes in or about a stream or divert or use water	<i>Water Sustainability Act</i>	Water authorizations (various types)	FOR Regional Offices	Water Manager	To divert, use or store surface water or groundwater, or to make changes in and about a stream.
Clear trees to develop mineral/ coal title <u>over</u> 50 cubic metres	<i>Forest Act</i>	Occupant Licence to Cut	FOR Regional Offices	District Manager	To clear over 50 cubic metres of timber for exploration and mining activities on a mineral or coal title area.
Clear trees to develop mineral/ coal title <u>up to</u> 50 cubic metres	<i>Forest Act</i>	Free Use Permit	EMLI Regional Operations	Chief Permitting Officer	To clear up to 50 cubic metres of timber for exploration and mining activities on a mineral or coal title area. If a proponent is completing a notice of work, the free use permit is linked to this electronic application and will be generated as part of that process. If a person already has an exploration permit, they should submit a notice of work to amend the permit to include tree cutting.
Concrete production in a batch plant (permanent or temporary)	<i>Environmental Management Act</i> Concrete and Concrete Products Industry Code of Practice	Registration	ENV Mining Operations	Director	Registration is required for permission to discharge from manufacturing ready-mix concrete and concrete products. Requirements are set for air emissions and discharges of process water.
Connect, cross or use highway right of way or infrastructure	<i>Transportation Act</i>	Highway Use Permit	MOTI	Minister (delegated to staff)	To create access to a highway, to construct, repair or maintain works, or hold an event on or along a provincial highway right-of-way.
Construct and use a sewage disposal facility	<i>Environmental Management Act</i> Municipal Wastewater Regulation	Registration	ENV Mining Operations	Director	To construct and use an onsite sewerage system with discharges to water or 22.7m ³ /day or greater.
	<i>Public Health Act</i> Sewerage System Regulation	On-Site Sewerage Certification / Permit (Info on Regional Health Authority websites)	Regional Health Authority	Environmental Health Officer	To construct and use an onsite sewerage system with discharges under 22.7m ³ /day.
Construct and use road	<i>Forest Practices Code of B.C.</i> Provincial Forest Use Regulation	Special Use Permit	FOR Regional Offices	District Manager	To construct and maintain mining access roads on Provincial forest land, including construction and maintenance of bridges and other drainage structures.
Construct, operate, close a mine	<i>Mines Act</i>	Mines Act Permit	EMLI Major Mines Office	Chief Permitting Officer	To prepare, construct, operate and close a mine. The permit also sets out closure and reclamation obligations and security.
Cut and remove or destroy Crown timber	<i>Forest Act</i>	Occupant Licence to Cut	FOR Regional Offices	District Manager	To cut, or cut and removal, Crown timber. In all cases, the applicant must hold a right to occupy and use the land being harvested through a "right of occupation", a lease, or a special use permit.

Activity	Act	Authorization	Ministry	Decision Maker*	Description
Dispose or incinerate refuse	<i>Environmental Management Act</i> Hazardous Waste Regulation	Registration	ENV Mining Operations	Director	Registration and application for a provincial identification number is required in order to produce, store, treat, recycle or discharge more than a prescribed quantity of hazardous waste.
	<i>Environmental Management Act</i>	Waste Discharge Permit or Short Term Approval	ENV Mining Operations	Director	To dispose solid wastes, including food wastes (e.g. to a landfill or composting facility) or to discharge air contaminants from incineration.
Exploration involving mechanical disturbance or excavation	<i>Mines Act</i>	Mines Act Permit (Notice of Work)	EMLI Regional Operations	Chief Permitting Officer	To conduct exploration activities on a mineral or coal title area, including ground excavation, drilling, processing, concentrating, waste disposal and site reclamation. Obtained through a Notice of Work application.
Food premises	<i>Public Health Act</i>	Health Operating Permit (Info on Regional Health Authority websites)	Regional Health Authority	Environmental Health Officer	To construct and operate food premises.
Occupy Crown land	<i>Land Act</i>	Tenure (various types)	FOR Regional Offices	Minister (delegated to staff)	To occupy or use Crown land.
Open burning	<i>Environmental Management Act</i>	Waste Discharge Permit or Short Term Approval	ENV Mining Operations	Director	A permit or approval under the EMA is required for open burning operations which do not meet the requirements of the Open Burning Smoke Control Regulation.
	<i>Wildfire Act</i>	Burn Registration Number	FOR BC Wildfire Service	n/a	The <i>Wildfire Act</i> and the Wildfire Regulation specify legal obligations when using fire in (or within one kilometre of) forest land or grassland. A burn registration number is required for any fire larger than two metres high by three metres wide, three or more concurrently burning piles no larger than two metres high by three metres wide, one or more burning windrows, or stubble or grass burning over an area greater than 0.2 hectares. Proponents should review any current fire bans and restrictions .
Produce coal resources	<i>Coal Act</i>	Coal Lease	EMLI Mineral Titles	Chief Gold Commissioner	To produce coal from a coal lease area above coal licence limits.
Produce mineral resources	<i>Mineral Tenure Act</i>	Mineral or Placer Lease	EMLI Mineral Titles	Chief Gold Commissioner	To produce mineral ore or placer minerals from a lease area above claim limits.
Store and use explosives	<i>Mines Act</i>	Explosives Magazine Storage and Use Permit	EMLI Health and Safety	Chief Inspector of Mines	To store and use explosives; a permit must be obtained before a magazine is located, erected, built, put into service, or modified, or before carrying out any maintenance work including the installation of lighting or heating.
Store fuel	<i>Environmental Management Act</i> Petroleum Storage and Distribution Facilities Storm Water Regulation	Registration	ENV Mining Operations	Director	Any petroleum storage facility that has a cumulative storage capacity over 100,000 L, occupies a location for more than 180 consecutive days and is not a part of a retail service station is required to register. The regulation also outlines requirements for oil water separator systems and effluent quality.
Study or investigate an archeological site	<i>Heritage Conservation Act</i>	Investigation Permit	FOR Archaeology Branch	Director	To mitigate impacts to site through the recovery of data after an impact assessment is completed under an inspection permit, and when a site is determined to be too significant to go straight to an alteration permit.
Subsurface rights for coal resources	<i>Coal Act</i>	Coal Licence	EMLI Mineral Titles	Chief Gold Commissioner	Grants subsurface rights and rights to explore for the coal resources within the coal unit. Production limit is 100,000 tonne samples for testing purposes.
Subsurface rights for mineral resources	<i>Mineral Tenure Act</i>	Mineral Claim	EMLI Mineral Titles	Chief Gold Commissioner	Grants subsurface rights for the mineral resources within a cell claim. Production limit is 1,000 tonnes per year of ore from each cell claim. Bulk sample limit is 10,000 tonnes once every five years.
Supply drinking water	<i>Drinking Water Protection Act</i>	Construction and Operation Permits (Info on Regional Health Authority websites)	Regional Health Authority	Drinking Water Officer	To construct and operate a drinking water supply system.
	<i>Water Sustainability Act</i>	Water authorizations (various types)	FOR Regional Offices	Water Manager	To divert, use or store surface water or groundwater, or to make changes in and about a stream.
Surface rights for mining activities on Crown land	<i>Land Act</i>	Tenure (various types)	FOR Regional Offices	Minister (delegated to staff)	To occupy or use Crown land.
Waste discharges (air, effluent and solid wastes)	<i>Environmental Management Act</i>	Waste Discharge Permit or Short Term Approval	ENV Mining Operations	Director	To discharge air, effluent or solid wastes to the environment (short or long term).
Wildlife salvage and removal	<i>Wildlife Act</i>	General Permit	FOR Regional Offices	Regional Manager	To possess, trap or kill wildlife or destroy birds' nests.

*Decision making authority may be delegated.

Appendix C: Example MRC Comment and Response Tracking Table

The Appendix is available as a [Microsoft Excel table on the Province of B.C. website \(XLSX, 30KB\)](#).

Comment ID	Section	Topic	Author	Date Comment Received	Review Phase	Comment Type	Comment	Proponent Response	Date Response Sent	Status
<i>Unique identifying ID to keep track of comments</i>	<i>Section of application or supporting document</i>	<i>Theme of comment</i>	<i>Reviewer's name and organization</i>	<i>Date comment provided from reviewer</i>	<i>Round of review (1, 2, 3)</i>	<i>Information requirement, clarification, question, comment, or potential permit condition</i>	<i>Reviewer's comment</i>	<i>Proponent's response</i>	<i>Date response provided by proponent</i>	<i>Open or closed (closure must be confirmed by reviewer)</i>

Provided for example only. Comment and Response Tracking Tables may need to be modified to accommodate specific project needs.



MAJOR MINES AUTHORIZATIONS GUIDE 2023