

ON SOLID GROUND

Community Voices for Changing
Nova Scotia's Mining Policies



Ecology Action Centre



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Participating Grassroots Organizations:

Bluenose Coastal Action Coalition
 Eastern Shore Forest Watch
 Gays River Environmental Protection Association
 LWF Ratepayers Association
 (Lakeview, Windsor Junction, Fall River)
 Mini Trail Quarry Concerns Society
 Citizens not in an organized group

Other Participating Organizations:

Council of Canadians
 East Coast Environmental Law
 Mining Watch Canada
 Nova Scotia Nature Trust

Summary

Mines and quarries are large industrial projects that can have severe and long-term environmental impacts. Because they involve the extraction of non-renewable resources, extra care must be taken that we steward these resources responsibly, ensuring we minimize impacts and maximize benefits. We need the best possible policies to ensure that when mines or quarries are approved, they are required to meet high standards of community consultation and we are truly weighing other possible land-uses that may be incompatible with proposed mines or quarries.

For this report, we spoke with individuals and organizations directly impacted by mines and quarries in Nova Scotia, and we summarize major issues pertaining to mining and concerns raised by these groups.

In 2013, the Nova Scotia government will begin consultations to change its Mineral Resources Act. The recommendations we make in this report are intended to shape the scope and content of the changes. We believe that adopting these changes will ensure we have a better mineral industry and healthier communities and environments.

- *Modernize Rights of the Crown.* Incorporate Community Rights in the Mineral Resources Act to reflect community, democratic and environmental rights and values by including guidelines and regulations around public participation, openness and transparency, environmental protection, precaution and polluter pays principles.
- *Ensure modern values of consultation and land-use planning policies are respected.*
- *Make the Mineral Resources Act a Geological Resources Act.* To improve clarity and establish clear roles for governmental approval of mines and quarries, include aggregates in the Mineral Resources Act.
- *Consultation.* Valid, clear, and meaningful consultation standard should be established and upheld for all phases of the mine and quarry process. The consultations for amending the Mineral Resources Act must respect the “Made In Nova Scotia” agreement on Mi’kmaq consultations, and greater capacity for Mi’kmaq communities to be consulted, particularly on exploration projects.
- *Prospecting and Claim Staking.* Improve consultation of landowners at the prospecting and claim staking phase.
- *Exploration.* Develop exploration plans to accommodate sensitive areas and other features and perform inspections before, during and after significant exploration activities.
- *Active mines.* Full cost accounting must be used to assess mines before approval, stricter, more frequent inspections must occur throughout the lifetime of a mine, reclamation bonds, fees, and the value of royalties associated with active mines should be publicly available. There must be a life-long, arms-length consultations framework for as long as the mine operates and until reclamation is complete.

- *Reclamation.* The Act needs to clearly define reclamation as non-extraction activities aimed at restoring a mine or quarry site, establish a reclamation strategy with clear targets for cleaning up hazardous abandoned mine sites, and create a common fund for reclaiming for abandoned mine sites.
- *Integration with the Environmental Assessment Process.* The new Minerals Resources Act must be amended in coordination with the provincial Environment Assessment Regulations to remove the 4 hectare limit for environmental assessments for quarries, create independent audits of environmental assessments activity reports, and integrate industrial approvals process and the environmental assessment approvals process.

Introduction

We are at a crucial time in natural resource management and environmental stewardship in Nova Scotia. The opening of the Mineral Resources Act of Nova Scotia is a priority of the 2011 Natural Resources Strategyⁱ and is an opportunity to bring cleaner practices and stricter guidelines into the mining and quarry industry of this province.

Over the past ten years, dozens of citizens and community groups have spent extensive time, money and energy working on improving or opposing specific mining and quarry projects in this province. While some cases were related to incidents of miscommunication and misinformation and issues of disrespect and mistrust, other cases related to specific regulations which were not in the best interest of the community. Improved regulations do not guarantee better relations between industry, government and communities, but they are a first step toward developing and enforcing more sustainable land use planning and more environmentally friendly mining practices. Today, some staff in the provincial government and some industry representatives recognize that it will take open and respectful communication to make mining practices cleaner and more respectful of communities in Nova Scotia, and this would go a long way to increasing trust in the process, if done well.

Through their work in the community, many grassroots groups have first-hand experiences of community conflicts around local mining and quarry projects, and the strengths and weaknesses in the Act. These passionate and dedicated volunteers are a valuable resource for suggestions on topics including prospecting and claim staking, exploration, active mines, consultation, reclamation, and environmental assessments. This report is a synthesis of community concerns which should be incorporated into the review and updating of the Mineral Resources Act, making it relevant to Nova Scotians' concerns.

Environmental Impacts of the Mining Industry

Environmental impacts of mining activities are often the basis for community concerns about and opposition to mining. Although mines are a temporary use of the land, there can be long-term and irreversible impacts to natural ecosystems and landscapes. The following is a brief list of specific issues of concern from many of the grassroots groups across Nova Scotia:

- changes to watercourse chemistry and biology;
- long term waste storage and treatment;
- acid mine drainage;
- intense water consumption and local or regional disruption of groundwater systems;
- disturbance and disruption of fish and wildlife habitat from mining activities and associated transportation infrastructure;
- property rights;
- decreased air quality including noise and dust; and
- decreased enjoyment of personal property or private property by any or all of the above issues.

National, provincial and local groups consistently act as a voice for the environment on these and many other site-specific issues. Although discussions around environmental issues often take place within the Environmental Assessment (EA) process, some projects proceed without triggering an EA. Community consultation on mining and quarry projects in Nova Scotia needs to better address environmental issues whether there is an EA or not.

Who Is *The Community*?

“The members of a community with whom industry interacts can be broad and diverse. It usually involves the local community surrounding the project and will vary depending on who is affected and their interest in the project.ⁱⁱ”

Consulting the Community

To address environmental concerns, and to build trust over time, requires all stakeholders to move forward in open and honest communication. A community consultation plan must be developed for Nova Scotia Geological Resources that will lead to openness about mining activities and community values, and trust in land stewardship planning. A successful plan should include the following:

- Early and frequent public conversations
- Open and honest communication about projects or possible projects
- Learning about and understanding community values
- Identifying local concerns
- Working with communities to find appropriate solutions^{ii, iii}

Although the provincial government maintained a successful and internationally renowned community research and consultation organization under the Voluntary Planning Board, this program was cancelled in 2011. A thorough community consultation program must be developed for the mining and quarry industry, and also for other natural resources, to develop openness and trust around land stewardship issues.

Case Study: Community Consultation in Moose River

The Eastern Shore Forest Watch Association is a non-profit society founded in 1998 by a group of concerned citizens who support a vision of sustainable forest practices. Members include established Eastern Shore families and new residents, teenagers and seniors, professionals, woodlot owners, foresters and business owners, all deeply concerned about the health and future of our forests and wild lands. In March 2007, the an Environmental Assessment Review Document was filed with the Province for a proposed open pit gold mine at Moose River Gold Mines, just north of the Ship Harbour Long Lake Wilderness Area (final designation in 2009), which was then under active consideration as a protected area. ESFW immediately became very concerned about this EA, as well as the subsequent Focus Report, pointing out that they felt:

- there had been insufficient community consultation prior to the registration of the EA;

- the public review period of 14 days for the EA was insufficient for meaningful public response;
- the “study area” of the EA was confined and did not consider the environmental effects of effluent leaving the site,
- the reports diminished many environmental risks, contamination of ground and surface water downstream from the site;
- the EA and the Focus Report assumed the use of one publicly-owned lake to provide large amounts of water for extraction of the gold, and also assumed the use of another publicly-owned lake to discharge the effluent; and
- since the mine effluent would flow all the way through the Fish River Watershed and the proposed Ship Harbour Long Lake Wilderness Area.

Several other serious issues were raised by ESWF, who organized public meetings to discuss concerns about this project. The group invited public officials from provincial and municipal governments, but they did not respond to ESWF and ignored their well-researched recommendations. ESWF feels this was a complete failure of the process of a meaningful, respectful and open community consultation.

Crown Ownership of Minerals

In Nova Scotia, more than 70% of the land-base is held by private landowners however according to the Mineral Resources Act, minerals under these properties are owned by the Crown. The right to explore and extract minerals sometimes exceeds private land owner rights and municipal land use plans (see case study, below). The Mineral Resources Act makes no reference to land-use plans created by municipal councils or Aboriginal communities as a possible check to where minerals rights can be staked.

“All minerals are reserved to the Crown and the Crown owns all minerals in or upon land in the Province and the right to explore for, work and remove those minerals.”

- Mineral Resources Act^{iv}

Case Study: Land-Use Planning in Bridgewater

In an ongoing effort to protect the water supply for the Town of Bridgewater and surrounding community, the Public Service Commission of Bridgewater (PSCB) recently conducted an assessment of their Source Water Area to determine the potential short-term and long-term risks to their drinking water supply. The outcome of this assessment by the PSCB’s Source Water Protection Plan Committee indicated that one of the greatest risks to the water supply was the potential for future development of mineral resources within their source water area. In particular, active mineral exploration lease blocks within the watershed brought up concerns of the impacts of possible gold mining activities on their water supply. When the PSCB looked for ways to exclude mineral exploration from the watershed in order to protect and preserve this crucial water resource, they found there was no mechanism to achieve this. Essentially, there is no political mechanism for a community

to restrict or prohibit these activities to protect their watershed. For the PSCB, this is an example of how changes to the Mineral Resources Act must provide such a mechanism.

Precedent of the Digby Quarry Decision

The rejection of the Digby Quarry project in 2007 by a joint federal-provincial environmental assessment panel was a watershed moment for government, industry, and environmentalists. The review panel made several recommendations to the federal and provincial environment ministers, including:

- the province should develop and implement a comprehensive coastal zone management policy;
- a moratorium on any new development proposals for the North Mountain in the Annapolis Valley until new guidelines are created; and
- environmental assessments for all quarries, no matter what their size.

It forced us all to consider how mines and quarry projects are sited and approved, and re-enforced the importance of community consultation and engagement in land-use planning.

Recent meetings with Department of Natural Resources staff have included discussions on mining projects, community conflicts and consultation, and have given us perspective on what challenges the government faces in developing mining policy and consultation guidelines. Sierra Club and the Ecology Action Centre have been part of shifting the departmental priorities and processes, and we want to ensure that this translates into action on the ground through policy and legislation. Although some guidance documents for exploration companies around consultation, environmental stewardship and health and safety exist ⁱⁱⁱ, government should legislate these best management practices whenever possible.

Case Study: Strip Mining for Coal in Cape Breton

In 2006, lands formally owned and mined by the Crown corporation DEVCO were leased to Pioneer Coal, and the company was issued a permit to mine 1.6 million tons of coal near the old Prince Mine. This permit was issued without public consultation or a project-specific environmental assessment. The strip mining in this area has resulted in the destruction of coastal Crown woodlands and wetlands, noise and dust, damage to local homes caused by vibrations: all to extract high-sulfur coal. Pioneer Coal has claimed in the media that the project would not be feasible unless they were allowed to sell the coal to NS Power to burn at the Lingan power plant. The provincial government refers to the project as “reclamation mining”, in spite of the damage to the local environment and quality of life. Local citizens impacted by the project have been left in a regulatory limbo, with no federal or provincial department taking a lead on determining if and why the project should have been approved: something an environmental assessment would have ensured. The project has been so divisive that the Community Liaison Committee, the only mechanism for local concerns and impacts to be addressed, now meets in secret. The dis-enfranchisement of the

community has resulted in long-term distrust of political leaders and bureaucracy. Currently, the province is considering allowing 13 more leases to be open to more projects, with the assurance that an environmental assessment will be performed. Inaction on the part of government to community concerns in the past has resulted in a lack of trust that regulatory processes going forward will have any validity or address their concerns.

Reclamation

In Nova Scotia, some aspects of reclamation are addressed in the Mineral Resources Act and its associated regulations, and also in the Environment Act. The Mineral Resources Act states that the Minister will specify the standards to which mine sites are reclaimed (s.75). The regulations under the Mineral Resources Act list the activities for mine reclamation, such as removing structures, surface contouring and stabilizing tailings sites (s.77). In the Act, the Minister also has the power to make regulations relating to the restoration, rehabilitation and requirements of exploration and mining activities (s.174). The Nova Scotia Environment Act defines “rehabilitation” (s.3 aq) similar to the Mineral Resources Act definition of “reclamation”.

Reclamation for new mining projects are described and evaluated during the environment assessment process led by Nova Scotia Environment. Mine reclamation for new mine projects are described and evaluated during the environment assessment process led by Nova Scotia Environment. If a project is approved, it is based on providing an acceptable mine reclamation plan, which can be developed after approval and may include a provision for community consultation.

The gap in these policies is the lack of an evaluation of the environmental impact and risks associated with reclamation or rehabilitation projects themselves. Of particular concern is when a project is defined as “reclamation” not mining – and thus no assessment may be triggered at all. Clarifying the goals of reclamation / rehabilitation and clearly distinguishing reclamation from mining projects would help address this policy gap.

Mining Policy Changes across Canada

Over the past ten years, various provinces have been undertaking reviews of their respective mineral resources policies. Reform in Ontario resulted in the Mining Act Amendment^v in 2009, and the Act now requires greater consultation and land use planning in advance of staking for mineral exploration. The British Columbia Mineral Tenures Act Amendments^{vi} were completed and released in July 2012, and mostly included changes to administration and fee structures. The recently elected government in

“Seventy-eight per cent of British Columbians polled in 2011 by Strategic Communications believe that B.C.’s mining sector should not be granted special treatment that overrides land use plans and other local interests. Seventy-nine per cent believe that mining companies should not be able to develop minerals on private land without consent from the landowner.”

– Sierra Club BC^{vii}

Quebec is proposing changes in the Plan Nord^{viii} strategy as well as increase triggers for environmental reviews of mining projects. The Nova Scotia Department of Natural Resources has committed to reviewing and updating the Mineral Resources Act as part of the Natural Resources Strategy, released in August 2011.

What we Heard

It was important to speak with individual members of community groups across the province to discuss exploration and mining impacts at the local level. From July to October 2012, the authors contacted members of some community groups who had experiences with exploration, mining, environmental assessments and quarries. Community groups were selected who were known through personal professional contacts, or through the media, to be active on mining and quarry issues. Notes were kept, and privacy was maintained where appropriate. Their concerns fall into the following categories: Incorporate Community Rights in the Mineral Resources Act, Incorporate Quarries into Mining Policies, Consultation, Aboriginal Rights, Prospecting and Claim Staking, Exploration, Active Mines, Reclamation, and Environmental Assessments.

Note: Recommendations 1 – 24 in this report are primarily directed toward policies under the mandate of the department of Natural Resources, and 25 – 28 likely fall under the mandate of Nova Scotia Environment. The authors acknowledge that regulatory processes and field activities associated with quarries and environmental assessments are not mandated in the Mineral Resources Act of Nova Scotia, however the issues expressed by these community groups are not dissimilar to issues associated with exploration and mining.

Incorporate Community Rights in the Mineral Resources Act

A common thread to many conflicts and environmental issues associated with mines is the Crown's right to "explore for, work for, or move" minerals, regardless of other priorities or policies such as municipal zoning. Groups were frustrated with situations where a municipality zones for certain activities, but the right to mine through the Mineral Resources Act trumps that zoning process. We heard that there is currently no mechanism to protect adjacent landowners who plan future activities from impacts of mines. For example, setbacks for blasting only apply to existing structures, not planned developments, regardless of the fact that a municipality has zoned for those structures to be built.

Recommendation:

1. The Purpose section of the Minerals Resources Act should be changed to reflect community, democratic and environmental rights and values by including statements on public participation, openness and transparency, environmental protection, precaution and the polluter pays principle.
2. The Mineral Resources Act should be amended to recognize and accommodate municipal zoning and source water protection plans, protected areas and habitat, including wetlands and wilderness areas.

Incorporate Quarries into Mining Policies

Currently, the Mineral Resources Act does not apply to aggregates such as sand, gravel, and gypsum. The Minerals Branch of the Department of Natural Resources issues industrial permits for quarries however if a new or expanded quarry exceeds 3.9 hectares, the Department of Environment will initiate an environmental assessment that can approve a quarry with a different permit. Groups told us that this leads to a legislative “no man’s land” that is extremely difficult to navigate and sometimes issues and public concerns fall through the regulatory cracks. From a community and environmental point of view, we heard that the impacts of both mines and quarries are similar, and it would strengthen the Act if both resources were included.

Recommendation:

3. The Mineral Resources Act should be expanded to include a mandate to steward all of Nova Scotia’s Geological Resources, including aggregates.

Consultation

The lack of open and meaningful community consultation was a common concern. Groups told us that their concerns about environmental or community impacts were often not heard nor adopted into considerations, leading to a lack of trust and increased opposition to proposals. Groups feel that open communication is necessary to share project activities, air misunderstandings and to correct mistakes. Some groups indicated that government-guided community consultation is sometimes more meaningful than company-led consultations, which sometimes downplay or even ignore impacts or promote future jobs or community benefits. Examples of shortened or unreasonable consultation periods, and poorly advertised consultations and public meetings, were brought up by several community groups and individuals. Many felt that the period of consultation needs to be 30 days, and should be longer during certain times of the year to allow full participation and engagement (e.g. Christmas holidays, summer break). Many groups had difficulty participating in meaningful consultation due to a lack of information about a company’s proposal. Groups felt that easy online access to company applications, meeting times, and past and proposed activities, would provide a clearer understanding of possible land stewardship conflicts, and to prepare for public meetings. Many expressed that companies with a poor record of social accountability require more guidance on community consultation.

Recommendations:

4. Introduce a section in the Act called Public Participation which outlines a framework for meaningful community consultation for all stages of mining activities. Among other things this section should include:
 - a. Timelines for public announcements, public meetings and community engagement;

- b. A public registry that provides quick and easy access to appropriate company and government documents and communications that disclose information necessary for meaningful community engagement;
- c. Commitment by government to provide guidance by government or by an independent organization specializing in community consultation and engagement.

Aboriginal Rights

The Crown has a duty to consult Mi'kmaq when there is a potential adverse impact on their rights, as laid out in the 1982 Canadian Constitution and decisions of the Supreme Court of Canada. Should Aboriginal rights not be respected through adequate consultation, mining projects could be stalled or even stopped by an injunction. However, we heard that although the provincial government is committed to meeting its obligation to consult, and there is openness on both sides to sit and work together on issues like mining, the 2010 Terms of Reference process for consultation does not address the issue of revenue sharing for royalties or other potential economic benefits from mines and quarries. Also, there is a lack of capacity to respond to numerous projects: this can be particularly onerous in the case of mineral exploration, because exploration can take place over large areas and there are so many projects going on at once.

Recommendations:

5. The government must commit adequate resources to ensure adequate consultation occurs with Mi'kmaq regarding projects at all phases.
6. Upcoming consultation on changes to the Minerals Resources Act must uphold Aboriginal rights to consultation and accommodation.
7. Upcoming consultation on changes to the Minerals Resources Act must ensure that the Crown's legal duty to consult is fulfilled.

Prospecting and Claim Staking

Some groups have been trying to restrict activities for source water planning or for protection of sensitive ecosystems, but are unable to exclude exploration and mining activities. Some groups expressed that there should be publicly available checklists for each stage in the mining process, beginning at the prospecting stage, for example written consent from property owners and first steps in community consultation. Groups felt that no industry, including mining, should be exempt from the regulations and by-laws emanating from municipal official plans.

Recommendations:

8. Require prospectors to obtain written consent from property owners prior to entering their land and perform prospecting activities, within a reasonable time of a claim being recorded.

9. Whereas the Minister has the authority to restrict prospecting, exploration and mining activities temporarily or indefinitely (s.21), he should be encouraged to exercise this authority when communities seek to exclude mining activity, permanently (e.g. using protected lands status or source water protection zones) or temporarily (e.g. 'under assessment' status).

Exploration

Groups expressed concern that there was not enough community consultation or environmental stewardship at the exploration stage. Groups also described some situations where there was a lack of community support for proposals by companies with a poor financial or environmental stewardship history. Groups felt that it would be more reasonable to grant industrial approvals which incorporate community input and support for proposed projects, rather than granting application-based approvals. We heard concern about companies who 'bullied' local community groups into accepting their proposal (e.g. using the media to slander grassroots groups, manipulating public meetings, even slap suits). Groups felt there were no mechanisms to slow these types of proposals for more in-depth and respectful review and conversation, or to consider refusal. Some groups expressed that more detailed plans for exploration activities should be submitted by a company at the exploration stage (e.g. road plans, waste removal, watercourse alteration and restoration, remediation of pits, drilling sites, replacing removed trees, wetland restoration), which should be associated with site visits by government or independent inspectors to enforce strict environmental stewardship plans. We heard that site inspections should be performed before, during and after exploration work. Some groups recommended that communities developing or upholding a source water protection plan want to be able to exclude any and all mining and exploration activities from their watersheds.

Recommendations:

10. Develop regulations that require the company to prepare and submit detailed proposals for every stage of exploration to:
 - a. ensure effective social and environmental stewardship of claims during and after exploration work (e.g. building and removing roads, waste storage and removal, watercourse alteration and restoration, remediation of trenches, pits and drilling sites, minimal tree removal and replacement of trees, and stream and wetland restoration) and;
 - b. identify and accommodate sensitive areas, portages, waterways, cultural sites, wetlands, fish habitat and other issues.
11. Develop schedules for frequent site inspections before, during and after significant exploration activities and confirm that restoration has taken place that satisfies the land owner, the community and the government.

Active Mines

We heard that communities want companies to calculate the full cost of a proposed mine project, including short and long term environmental, social and community impacts. Government is seen by groups to perform “desktop inquiries” which do not adequately assess conditions at the site or in the community. Groups expressed that when problems are encountered, there is insufficient authority by the local or regional government representatives to cease mining activities until the problem is solved. Groups told us that the public needs to know the value of fees, royalties and insurance bonds need to be publicly accessible, and need to be put into context either by independent groups such as NGOs, or consultants. We heard that groups were disappointed with the amount of communication between a company and the community through the life of a mine. They said the current government-recommended structure of some community liaison groups is not effective, and often does not create an independent voice that acts on behalf of the community. Some groups expressed that community committees must be at arms-length from the company, and financial support must be guaranteed for a period of time. Environmental monitoring was brought up several times in our discussions. Groups thought that surface- and ground-water monitoring should be mandatory at every stage, and should depend on scale of activity. In some cases, mining projects end without an up-to-date closure and remediation plan, leaving government and the community to deal with the long term impacts of the project. We heard that groups want closure plans to be adjusted as the project proceeds in order to have a plan that is effective and accepted by the community throughout the life of the mine. Groups understand that the guidelines for holding ponds or tailings ponds do not require an impermeable liner, and this should be changed in the Act in order to protect groundwater and surface water resources. When tailings ponds are the only method possible for storing waste material, groups felt that they should not be permitted in or near the headwaters of a watershed or in or near a protected or sensitive area.

A final issue that was brought up by groups was confusion about why activities relating to quarries are not incorporated into the Mineral Resources Act. We heard that stronger regulations around quarries need to be created in the MRA, or in a revised Geological Resources Act.

Recommendations:

12. Develop guidelines for full-cost, life-cycle accounting of the impacts of proposed mine projects and require proponents to comply with these guidelines as part of the licensing process.
13. Develop more comprehensive inspection and enforcement provisions in the Act, including stricter site inspection schedules. Ensure inspectors have the authority to issue directions and orders to cease mining operations where terms and conditions of approvals or permits are not being met and/or are endangering health or the environment.

14. Provide an online platform for companies to share details of insurance bonds, royalties.
15. Assess and restructure the current guidelines for community liaison committees, including independent funding structures, using an open and meaningful community consultation process.
16. In cases where absolutely no other method of waste storage is available, require that engineering plans for temporary tailings ponds incorporate a liner that prevents any leaching into the surface or groundwater resources for the lifetime of the pond.
17. Develop regulations for mandatory environmental monitoring at every stage of activity, dependent on scale of activity (e.g. more for larger or longer term projects), extending beyond the expected date of closure, and accessible by the public, including but not limited to
 - d. Air quality;
 - e. Surface water; and
 - f. Groundwater.
18. Improve regulations around site closure plans assessment and adaptation to accommodate changes in mine operations.
19. Incorporate aggregates and quarry activities in the Mineral Resources Act, and ensure an equal degree of community consultation, environmental assessment, and monitoring with these activities.

Reclamation

We heard that groups want a clear definition of Reclamation. This is a contentious issue in areas where coal mining has occurred for more than a century and has left a legacy of dangerous sites, in addition to community distrust in government and mining companies. Groups expressed that reclamation of abandoned coal mine sites must include greater community consultation and assessment for all stages of work.

Historic mining activities have also left legacy of environmental impacts and hazardous sites in many areas in Nova Scotia, and environmental groups as well as community organizations feel that the province should make cleaning up abandoned and orphaned sites a priority of the Department of Natural Resources. Efforts have been made to identify and prioritize abandoned mine sites, however there is no cohesive strategy for restoring these sites.

Recommendations:

20. Provide a definition of Reclamation in the interpretation section of the Act, and that is consistent with an updated definition in the Environment Act. In the definition, refer to reclamation as a distinct activity separate from mineral or aggregate exploration and extraction.
21. Develop regulations that remove ministerial discretion from reclamation by establishing health, environmental and aesthetic criteria, and timelines that must be met for every reclamation project.

22. Require the development of a robust framework for community consultation and assessment around every large scale reclamation project or region of reclamation.
23. Establish a reclamation strategy, with specific criteria and timelines, for dangerous or environmentally hazardous abandoned mine sites in the province.
24. Establish a common reclamation fund, whereby a portion of bonds set aside for all approved mine projects goes toward a common abandoned mine reclamation fund.

Environmental Assessments

Nova Scotia Environment describes the Environmental Assessment Regulations as “a decision-making tool used to promote sustainable development by evaluating the potential environmental effects of major developments before they proceed.” Since many mining projects pass through this process, many grassroots groups have important feedback on its use. We heard from groups that the announcement of an environmental assessment is often the first time community members hear a project is being considered, when in fact plans have been underway for years through other government and industry channels. The review committee for the Nova Scotia Mineral Resources Act should consider also addressing issues surrounding environmental assessments (EA).

Although mining projects generally trigger an environmental assessment, groups felt that quarries are developed incrementally in order to deliberately avoid triggering an EA (so-called “quarry creep”). There is also concern that quarries for road construction materials have bypassed environmental assessment, regardless of potential impacts on the environment and neighbouring landowners. We heard that EAs, in addition to regular reporting on an operating mine, should be independently audited to ensure compliance and the highest standard of environmental protection is being met.

We heard frustration that an environmental assessment could approve a quarry expansion project, but not restrict the rate at which the project would proceed. Groups stated that since the amount of rock quarried per year will determine the degree of disturbed land, erosion, truck traffic, dust and noise associated with a project, there needs to be clearer coordination between the industrial approvals and environmental assessment process so that all impacts to communities are assessed and mitigated through a valid and integrated permitting process. Groups expressed confusion and frustration about inconsistencies in related industrial approvals, causing them to distrust the approval and assessment process.

Recommendations:

25. Remove the 4-hectare limit on quarries from Schedule A, section B of the Environmental Assessment Regulations (Environment Act): quarries of any size must trigger an EA.
26. Remove the ability of quarries used for road construction to bypass environmental assessment.
27. Require independent audits of EAs and activity reports.

28. Integrate the industrial and environmental approvals process so there is greater clarity and activities meet the requirements of environmental protection required by the Environment Act and Environmental Assessment Regulations.

Conclusions

In the past, mining statues were developed to increase exploration, development, industries, jobs, and provincial investments. We are not in this age today- towns and cities across Canada are speaking out about mining practices in their backyards because today, *everywhere is someone's backyard*. We must bring back a balance between the rights of individuals and communities, and the rights of companies and the mining industry.

We heard overwhelmingly that when communities want to say no to industry, in order to protect their drinking water, sensitive environmental areas or important cultural sites, they have no legitimized political venue to do so. Communities want the right to say no to mining projects, and changes to mining legislation need to reflect that.

Community consultation and engagement is weak at all stages of mining activities. It will be difficult to develop guidelines for consultation and engagement that take power from the mining industry and give it to communities, however this is imperative. We must work together to increase communication and trust between citizens, grassroots groups, government and industry using meaningful community consultation mechanisms.

We urge the provincial government takes this opportunity to open the Mineral Resources Act for review, and to develop and implement meaningful community engagement practices. We urge the review committee to take the points raised in this report and incorporate them into consultation dialogue and appropriate legislative amendments.

References

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