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## **Summary of Specific Changes Proposed for Amending the Mineral Resources Act for Nova Scotia**

Critics of economic development projects can point to serious regulatory failures and poor business practices to justify their concerns about future risks. From the Westray mine disaster to the recent tragedy at Lac Megantic, there are clearly situations where the rules were lacking or inadequately enforced. Nova Scotians can also point to examples where, after considerable wealth has been extracted, communities have been left with contaminated land and water, depleted resources and abandoned industrial sites. Citizens are justified in calling for more responsible behaviour by resource users and more effective environmental and resource management by governments.

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As a key element of its implementation of the 2011 Natural Resources Strategy the Nova Scotia Department of Natural Resources will undertake a review of the Mineral Resources Act to provide a modern and responsive legislative framework to support and promote sustainable mineral resource management in the future, from exploration to development, to active mining and finally to land reclamation. This will require sustainable mining practices, effective community engagement and a commitment to informed decision-making. The end result will be a sustainable industry that is successful, both economically and environmentally.

The Commission welcomes this commitment to the modernization of this important sector, so that the province can benefit more fully from its valuable resource base. It is also important that this review exemplify the government's commitment to effective public engagement and regulatory excellence.

**- Report of the Nova Scotia Commission on Building Our New Economy (Ivany Report), pp 66- 76**

## Introduction

This document outlines in detail the changes we wish to see in a modern and effective *Mineral Resources Act (MRA)*.

As much as possible, in Section 1 of this document, we have offered recommendations in the order in which the *Act* is written, to make it easier for the review panel to understand how exactly the changes we are requesting could be inserted into the *Act*. Section 2 outlines our recommendations for addressing the legislative gap that currently exists for pits and quarries. In Section 3, we answer questions laid out in the discussion document produced by Mineral Resources Branch to initiate discussion (*Mineral Resources Act Review: Improving Our Competitive Position Through Modern and Effective Legislation*, <http://novascotia.ca/natr/meb/legislation-review/pdf/minerals-act-review.pdf>).

We believe the Nova Scotia government *has responsibility to protect environment and community through clear and transparent processes and rules*. The rules we propose will make it possible for citizens and government to make informed decisions about their resources and result in greater environmental protection.

## Section 1: Changes to the Mineral Resources Act

### Title of the Act

In line with the strong recommendations of the Natural Resources Strategy, we want to re-name the *Minerals Resources Act* the ***Geosciences Act*** or the ***Geosciences and Mineral Resources Act***. The purpose of this change is to reflect the re-alignment of focus advocated in the Natural Resources Strategy, that the Department provide “leadership in the collection and use of earth science research and knowledge to benefit and protect Nova Scotians.” (*The Path We Share: A Natural Resources Strategy for Nova Scotia, 2011-2020*, p. 52). The actions under this Goal include mapping of Nova Scotia’s geology, groundwater, geohazards, and coastal geology, as well as creating knowledge needed to better understand and protect biodiversity. Working with other departments to provide expertise on water resources is also strongly recommended by the *Water for Life Strategy*.

### Purpose

We would suggest expanding to the Purpose of the *Mineral Resources Act*, as follows

- Ensuring mining is undertaken in a socially, environmentally and economically sustainable and responsible manner;
- Ensuring mining is undertaken in a manner consistent with the legal obligations of the Crown to Aboriginal peoples;

- Ensuring the impacts of mining on public health and safety and on the environment are prevented or minimized through land use planning before mining, and that mining lands are rehabilitated;
- Ensuring the maintenance of long term ecosystem health in the areas where mineral development takes place;
- Ensuring net benefits, which can include environmental, economic or social benefits, to Nova Scotia and to host communities.

## Principles

The revised Act should also embody the following principles:

- Recognizing that the health of the economy, the environment and the people are interconnected, as laid out in the *Environmental Goals and Sustainable Prosperity Act*;
- Upholding the precautionary principle as defined in the *Rio Declaration on Environment and Development, 1992*:  

“Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”.
- Employing a project life cycle approach to address all phases of a mineral development operation from site selection to decommissioning and site recovery.
- Providing transparency and opportunities for public consultation and input of local knowledge throughout the regulatory process.
- Establishing clear roles, responsibilities and accountability for both government and industry.
- Employing full- or total-cost accounting to ensure ecological services are valued.
- Employing integrated land use planning processes

## Defining a “Mineral”

We would like gypsum to be included in the list of substances that are minerals and to change the rules on a go-forward basis to disallow registering substances as “non-minerals” (Section 90 of the current Act). We think this will provide greater clarity and effectiveness to the new law (“Goal: Good governance” in the Natural Resources Strategy).

## Defining “Reclamation” in the Act

“Reclamation” should be clearly defined in the Act as activities not related to resource extraction, since in the past strip mining has taken place as part of activities inaccurately described as “reclamation.”

## Land Use Planning

Reducing conflicts regarding mine exploration and other land uses should be a key part of amending the *Mineral Resources Act*.

Because so much of our land base is privately-owned and our population is distributed over most of the province, conflicts with different land use priorities are something an amended act should deal with in a proactive way. Nova Scotia has a land mass of approximately 12 million acres, and about two-thirds of this land is privately owned. Nova Scotia also has greater population density (17/km<sup>2</sup>) than Ontario (14/km<sup>2</sup>) and Quebec (5.79/km<sup>2</sup>) – jurisdictions that have recently championed amendments to their minerals legislation to include greater input from communities and landowners.

According to EcoJustice and our own research, there are examples of other jurisdictions where the principles of land-use planning are integrated into mining legislation:

- United Kingdom
- Quebec
- Northwest Territories (public planning boards in the Mackenzie River Valley); and
- Ontario

In Nova Scotia, some municipalities have created municipal planning strategies and enacted bylaws that demonstrate priorities for land use for the municipality. Where these exist, we believe the *Mineral Resources Act* should be revised to explicitly integrate mining activities with these plans.

We also recommend that the revised Act create provisions for areas undergoing new land use plans by municipal or Aboriginal communities. This change would align the new Act with Section 213 of the *Municipal Government Act*, which reads “ A department of a Government of the Province, before carrying out or authorizing any development in the Municipality, shall consider the planning documents of the Municipality.”

This change could be effected by granting power in the Act (under Section 22, which grants this power to the Minister of Natural Resources) to the Aboriginal communities, municipalities, and the Minister of Municipal Affairs to withdraw areas for mining because local authorities are undertaking land use planning exercises or because an existing land use planning exercise indicated mining cannot be integrated into the existing use and protection priorities. Lands withdrawn from mining could be re-admitted through a vote in the legislature, unless they were withdrawn by an Aboriginal government. This is very similar to the amendments made to Quebec’s amended minerals legislation, which gives

municipalities the power to zone areas as “incompatible” with mining and/or give conditions under which mining could occur.

An existing minerals claim holder that loses their claim due to withdrawal of lands would be compensated for the amount invested in exploration.

We have amended a proposal from EcoJustice for Ontario’s *Minerals Act* to demonstrate what this could look like:

(Section) The Minister of Natural Resources or the Minister of Municipal Affairs may conduct a land use planning process to determine those areas where mining may be permitted.

[Section] The council of a municipality, a planning board, or an Aboriginal community may establish, within an official plan, those areas where mining may or may not be permitted.

(2) The council of a municipality, planning board, or an Aboriginal community shall notify the Minister of any areas to be withdrawn from further staking pursuant to a finalized official plan.

(3) After having received notification from a municipal council of lands to be withdrawn from further staking, the Minister shall withdraw the lands from further staking within twenty-four hours.

[Section] The council of a municipality, planning board, or an Aboriginal community may pass by-laws setting land use controls within areas established in an official plan as open to mining.

[Section] Where an area of is not currently subject to municipal organization, the land use planning will be carried out by the Departments of Natural Resources, Environment, and Aboriginal Affairs in consultation with Aboriginal governments.

[Section] Citizens may also petition the Minister to remove lands from mineral resource extraction.

Provisions would also need to be added to the Act to withdraw lands from mining exploration while land use plans are developed.

## **Requiring More Information and Assessment Earlier**

A key Action in the Natural Resources Strategy is to

“Engage Nova Scotians in project planning and decision-making about mineral resource development that affects their communities. Where mineral resource development affects local communities,

citizens will be engaged throughout the life cycle of the mining operation” (*From Strategy to Action: An Action Plan for The Path We Share: A Natural Resources Strategy for Nova Scotia* . p. 13)

As part of the Overarching Goal of *Collaborative leadership*, the Strategy also requires that the Department of Natural Resources:

“• Include interested groups in planning and decision making about natural resources.”

(*The Path We Share: A Natural Resources Strategy for Nova Scotia* . p. 13)

However, there are few requirements for community consultation in the *MRA*. Community members and organizations have higher expectations for being consulted regarding plans for mines and quarries and the revised act should provide these opportunities.

We suggest changes to sections of the *MRA* at key phases to require more information from mining interests and requiring community consultation.

### **Application for a Mineral License**

The contents of an Application for a Mineral Licence (Sections 24 -26) for exploration should also include the following information:

- a recent map of the area and surrounding lands;
- a description of the water bodies in and around the area subject to the proposed permit, including lakes, rivers, streams, wetland, ponds and groundwater;
- a description of the applicant’s plan of access to the area;
- a description of any Aboriginal cultural values or historic resources associated with the lands;
- a description of notice given to local communities and environmental groups;
- the possible impacts of prospecting work on the features described; and
- measures the applicant intends to take to minimize such impacts.

### **Application for Exploration**

The contents of an Application for Exploration License (Section 28) should include:

- a description of all work and activities to be undertaken;
- a description of the environment of the area subject to the permit should be provided by an independent third party at the applicant’s expense, including but not limited to:
  - (i) a recent map of the area and surrounding lands;

- (ii) a description of the water bodies in and around the area subject to the proposed permit, including lakes, rivers, streams, wetland, ponds and groundwater;
- (iii) an inventory of natural, social and cultural values;
- (iv) a description of the applicant's plan of access to the area; and
- (v) a description of any Aboriginal cultural values or historic resources associated with the exploration site.
- (c) the possible impacts of exploration work on the features mentioned in subsection (b);
- (d) measures the applicant intends to take to minimize such impacts;
- (e) an assessment of the potential for impacts on the ecological integrity of any provincial or national park and/ or wilderness area;
- (f) a rehabilitation plan for any disturbances to vegetation, soils or bedrock including methods and timeline for closing bore holes, filling trenches and other remediation;
- (g) a community consultation plan and timeline;
- h) detailed plan for long-term management of any wastes; and
- i) detailed plan for management of water treatment.

### **Requirement for industry to supply accurate information**

Inaccurate or incomplete information supplied as part of an application for a mineral or exploration licence should be subject to a mandatory fine of \$10,000. If the offence is egregious the fine could be increased, at the Minister's discretion.

### **Minister's Responsibilities**

To increase accountability to government, industry, and citizens, we request that the *Act* should clearly lay out how the method by which the Minister should assess applications for mineral and exploration licences, including the following criteria:

- consider the applicant's financial and technical ability to carry out the proposed work program;
- ensure the proposed area falls within a zone designated for mining in an applicable land use plan;
- ensure the application is complete and the information contained is accurate;
- ensure the permit contains requirements for restoration activities (if applicable);

- ensure that any Aboriginal people that may be impacted by activities carried out under the permit have provided their free, prior and informed consent to such activity;
- consider the applicant's record of compliance with previous permit requirements;
- ensure the permit includes a closure plan and requirements for reclamation bonding; and
- consider the applicant's track record of restoration of other exploration projects in NS and other jurisdictions.

The *Act* should grant power to the Minister to decline a licence or make conditions for a licence to ensure activities are consistent with the purposes and principles of the *Act*.

## Duty to Consult

The *Mineral Resources Act* needs a specific amendment to recognize the Crown's obligation to acquire free, prior, and informed consent from indigenous people prior to proceeding with mining exploration and development in their traditional territories. It should also make specific reference to the Made in Nova Scotia process as a means for meeting this obligation as well as require adequate resources and time for evaluation of proposed projects.

## Private Property Owners

Currently, the *Mineral Resources Act* states that a mineral right holder requires consent of private property owners to access their land. If consent can't be obtained, the Act provides ways and means for the Minister to grant access (Section 100).

Additional details should be included laying out the terms for obtaining permission from private property owners for access to their land:

- Notification 60 business days prior to any activity on the land should be required;
- This notification should include details on the proposed work and any remediation planned (if any);
- Timely provision of information regarding changes in the planned activities to the landowner;
- A detailed access agreement signed by the landowner, describing the times, dates, types of activities to be undertaken as well as compensation (if any), environmental protection actions to be undertaken, and a dispute resolution mechanism.

Consent from all private property owners needs to be provided to the Minister 10 business days before entry onto private property.



## **Transparency**

Currently, the Mineral Resources Regulations lay out in detail the information to be stored by the Registrar regarding mining activities (Sections 11-14). We recommend that this information be made public through an online registry.

The *Act* should require that all documents relating to licences, permits, and any documents detailing dispute resolution processes associated with the *Act* be posted on the Department of Natural Resources website within 30 days of their receipt.

## **Ensuring We Aren't Left Holding the Bag for Mine Reclamation**

A key finding of the May 2014 NS Auditor General's Report was that inadequate resources are being set aside for reclamation work and / or the government is not doing enough to ensure that these resources are adequate on an ongoing basis. This leaves Nova Scotians open to liability should a mine fail to clean up a site after closing or if a disaster occurs. The amount posted as cash or bond to reclaim mine sites should be estimated by an independent qualified professional and made public. Any owner or person living on the land or adjacent to the land to be reclaimed should be able to petition the Minister to request this amount be increased. We strongly suggest a provision requiring the reclamation bond be released for reclamation purposes only, not operational costs or maintenance expenses.

Reclamation bonds should also be adjusted for inflation on an annual basis and the reclamation bond amount should be reviewed every 5 years.

## **Protecting Nova Scotians From Paying the Price for Environmental Disasters or Abandoned Mines**

The mining industry is known to be highly susceptible to unpredictable market forces even in the best of times. In the face of a massive mining disaster, companies often lose financial resources or even go bankrupt, right when funds are needed most to cover clean up costs.

We recommend building a new contingency fund to protect Nova Scotians from the burden of cleaning up a massive tailings spill or other mine disasters if - for any reason - the company responsible will not or cannot pay. This fund could be created by a non-refundable fee being added to all reclamation bonds collected by the province.

## **New Rules for Holding & Tailings Ponds**

In cases where absolutely no other method of waste storage is available, the *Act* should be amended to require that holding ponds or tailings ponds require an impermeable liner to protect groundwater and surface water resources. When tailings ponds are the only method possible for storing waste material, they should not be permitted in or near the headwaters of a watershed or in or near protected or sensitive areas.

## Staking and Exploration in Municipal Watersheds

The Mineral Resources Regulations regarding exploration in municipal water supply watershed lands (Section 73) should require 60 days notice given to municipality for any type of exploration in a water supply area. As stated above (see Land Use Planning section), we believe municipalities should be able to list areas as incompatible with mines and quarries.

## Increasing Fees and Royalties to Help Pay for Government Services

Fees and royalty rates need to be re-assessed to make them commensurate with the government services required to administer the *Act*, regulate the industry, and provide industry support (data, expertise, enforcement, etc.).

## Require Review of the Act Every 5 Years

In order to remain current with best practices and changing policy, the *Act* should be opened for review every five years. In association with this 5-year review, the Minister should perform public consultation and provide information on how public input was taken into consideration in revising the *Act*.

## Section 2: Quarries and Pits

The review and revision of the *Minerals Resources Act* provides an opportunity to clarify and strengthen DNR's role around pits and quarries, as strongly suggested in the recent Natural Resources Strategy.

“Goal: Good governance. Ensure that laws and policies are clear and effective

Action..:

- Review and improve laws and policies related to the development and conservation of Nova Scotia’s natural resources.

The Minister of Natural Resources has a variety of legislative responsibilities, including those related to Crown lands and mineral resources. Nova Scotia Environment is responsible for designated wilderness areas, water resources, and air, and is the lead department for the Climate Change Action Plan. The Department of Energy is active in climate change issues, and is the lead department for most energy-related resources. **The overlapping responsibilities of provincial departments, as well as the various laws and policies governing natural resources, can be confusing for Nova Scotians. We cannot eliminate the complexity of natural resource management, but we can clarify who is responsible for what and make it easier for people to work together to achieve a healthy balance of economic, environmental, and social goals.”**

*(The Path We Share: A Natural Resources Strategy for Nova Scotia, 2010-2020, p. 21, emphasis added)*

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“Goal: Provide clear and effective laws and policies that support sustainable geological resource development. ..

The Nova Scotia government owns and administers all resources designated as minerals under the *Mineral Resources Act (MRA)*, on both Crown and private lands. At present, this includes all metals (e.g., gold, silver, copper, lead, zinc, tin), coal, and many industrial minerals, including industrial clays, quartz, anhydrite, and marble. The act also covers the extraction of renewable geothermal energy from flooded mines. Other geological resources are not currently administered under the *MRA*. ... The *MRA* should be reviewed and revised to ensure that it reflects the goals of sustainable resource management and the values of shared stewardship.” (*The Path We Share: A Natural Resources Strategy for Nova Scotia, 2010-2020*, p. 54).

Quarries are a glaring example where confusion exists for Nova Scotians because of gaps in policy and oversight. In a practical sense, the science and expertise needed to identify and value aggregate resources and understand the geological impacts of quarries are very similar to that of mines. It makes sense that this expertise be housed within the Geological Resources Branch at DNR.

However, quarries and pits are currently regulated by Pit and Quarry Guidelines administered by NS Environment, as well as Transportation and Infrastructure (if the quarry products are for road construction). Size of the quarry also determines the level of scrutiny it receives: quarries under 3.9 ha do not currently require environmental assessment.

An unintended consequence of the 3.9 ha loophole is that there has arisen an incentive for industry to create a series of “small” quarries so that they can elude the burden of performing an environmental assessment, a condition accurately described as “quarry creep.” The Joint Review Panel for the Whites Point Quarry recommended removing this loophole in their final report:

“Quarries of any size have major environmental effects. Removing large amounts of stone changes the landscape and affects neighbouring communities and ecosystems. Current policy in Nova Scotia exempts small quarries (less than 4 hectares) from full environmental review. The Panel believes that the current policy facilitates “quarry creep”: that is, the incremental expansion of small quarries to larger ones. A comprehensive review of environmental effects for proposed Projects would provide opportunities for community and expert input that might identify important values that government needs to consider. Full review of requests for expansion allows communities and government to evaluate the effectiveness of earlier predictions and to consider the latest evidence on potential effects.

...The Panel recommends that the Province of Nova Scotia modify its regulations to require an environmental assessment of quarry projects of any size.” (Joint Review Panel Report, p. 105 <http://www.novascotia.ca/nse/ea/whitespointquarry/WhitesPointQuarryFinalReport.pdf>)

Since the Digby Panel report, we know of several quarries that have been approved in spite of concerns about quarry creep, impacts on environment, health, safety, property values, conflicting land uses, and quality of life for local residents. Until this gap in environmental assessment is addressed, this trend will

continue. At *Exploring Common Ground*, a multi-stakeholder meeting on mines and quarries, hosted by Sierra Club and Ecology Action Centre in February 2014, creating clear regulatory framework for quarries was one of the top recommendations for action from participants.

Currently, no department is taking the lead on dealing with the many issues which arise from quarries, such as their location, potential geohazards, water issues, inappropriate proximity to dwellings and communities, and quarry creep (See: [Lax environmental rules result in 'quarry creep'](http://thechronicleherald.ca/opinion/1251852-lax-environmental-review-rules-result-in-%E2%80%98quarry-creep%E2%80%99) <http://thechronicleherald.ca/opinion/1251852-lax-environmental-review-rules-result-in-%E2%80%98quarry-creep%E2%80%99>). This lack of clarity and coordination also means there is little research done on aggregate resources in the province, and crucial information, including information on groundwater, is routinely lost to the Department of Natural Resources, which is charged with assembling accurate information. It also means that there is no mechanism in place to ensure quarries properties are properly reclaimed. Government is also unable to ensure that Nova Scotians receive maximum benefit from aggregates quarried, particularly for export. Getting full value for our resource base is a key assertion of the Ivany Report (“the province is not realizing the full value of our asset base” - *Report of the Nova Scotia Commission on Building Our New Economy*, p. 66)

We recommend that *MRA* be modified to include pits and quarries. This change would create similar roles for the Departments of Natural Resources and Environment as currently exists for mines. DNR would take a leadership role in mapping aggregate resources and assessing geological impacts of quarries. Department of Environment would perform environmental assessments of quarries of any size. Royalties could be set, particularly for export quarries, so Nova Scotians get a fair return for the use of their resources.

## Section 3: Responses to Questions In MRA Review Discussion Document

### Land Access

- **How should land access for mineral exploration and development be dealt with in the new Act?**
  - Better consultation, earlier, would resolve many issues with land access.
  - Proponents should have to prove they have permission from all land owners, countersigned by government
- **What compensation should land owners expect from mineral rights holders either exploring for or planning to produce minerals?**
  - We believe independent agreements between land owners and proponents could be reached in the majority of cases.

- Industry needs to fund arms-length mediation for cases where negotiation is not possible.
- If no mediated solution satisfying both parties is possible, we suggest that companies be encouraged to abandon their attempt to claim the land. If this is not possible in order to carry out a project, in addition to paying for the value of the land and any other associated costs to the existing landowner, the company should be required to compensate the province, either monetarily or through purchase of property for wilderness protection.

• **Is the Minister of Natural Resources the appropriate person to make decisions on surface access permits and vesting orders? If not, who should make these decisions, and how should they be made?**

- Yes, with criteria for making a decision which balances land owner versus proponent. This could be done through the mediation process we suggest above.

• **Should the issuance of an exploration license include the right to access Crown lands for prospecting and exploration purposes?**

- No. Crown lands are public lands. Access must be negotiated via community consultations that include interest groups.

## Royalties

• **Should the province continue to charge a mineral royalty?**

- Yes. The Ivany Report emphasizes we must get value for our resources.

• **If so, how do you think mineral royalties should be set?**

- In part by survey of other similar jurisdictions, in part as cost recovery process because industry benefits from government services.
- It might also be a benefit to have a sliding royalty scheme where lower royalties are set for industries that create value-added opportunities for mineral extracted in the province.

• **Does the existing royalty structure provide an acceptable balance between maximizing economic benefit to the province and to the operators? Should there be rebates for some minerals?**

- No, we believe greater benefit could be provided through royalties to support government services to industry, support monitoring and enforcement and compensate Nova Scotians for the exploitation of their geological resources.

• **What penalties, if any, should there be for mining operations that fail to pay their assigned royalties?**

- Create an accelerated structure of penalties from fines to withdrawal of licences. The penalties for failing to pay should be extremely high.

- **Do you have any suggestions on how mineral royalties could be cost-effectively administered?**

- No, but we do believe any royalties paid should be open to the public via a registry.

- **What sections of the Act could be improved to clarify how royalties are calculated?**

- A stand alone section dealing with royalties is probably best.

## Reclamation

- **What recommendations can you make to improve the current regulations regarding mine reclamation?**

- Please see our recommendations regarding reclamation in Section 1, above.

- **Should the Department of Natural Resources and Nova Scotia Environment make public the amount of reclamation bond held for each mining operation in the province?**

- Yes. The public bears the burden if this amount is inadequate, so we need to know how much risk (if any) we are carrying. This amount should also be reviewed and changed (if necessary) periodically over the lifetime of a mine or quarry project.

- **What forms of security should the province accept to protect the public's interest while mines are operating? Examples include: cash, guaranteed letter-of-credit, surety bonds, self-bonding.**

- Cash is best, since the mineral industry is incredibly volatile and bonds, lines of credit, etc are only valid if the company holding them remains viable and operating.

## Community Engagement

- **Do you think that the collaborative involvement of the mineral industry and communities of interest should be recognized in the Mineral Resources Act or regulations?**

- **If yes, why?**

- Yes. The government has a key role in making this happen. Please see our recommendations in Section 1, above.

- **How do you recommend government address the following:**

- **Defining the responsibilities of government, companies and communities of interest ?**

- See Section 1 above where we discuss land use planning and community consultation at various stages of mining, as well as the Minister's responsibilities.

- **Monitoring, reporting and an evaluation system?**

- Government has a crucial role to play here. For every project, community group(s) of standing should be identified. These groups would lead monitoring and evaluation with funds provided by the proponent. If technical monitoring needs to be done by a third party, these experts should be chosen by community groups(s) of interest and paid for by the proponent.

Here, the government should look to the Stillwater Good Neighbour agreement as a model for improved monitoring and reporting. Please go here to find out more:

<https://www.northernplains.org/issues/good-neighbor-agreement/>

- In our report, *On Solid Ground*, we also recommend the government develop regulations for mandatory environmental monitoring at every stage of activity, dependent on scale of activity (e.g. more for larger or long-term projects), extending beyond the expected date of closure, and that are accessible by the public, including but not limited to: a. air quality; b. surface water; and c. groundwater.
- Monitoring data should be publicly available and evaluation should be transparent.

- **Enforcement?**

- In our report, *On Solid Ground*, we also recommend the government develop more comprehensive inspection and enforcement provisions in the *Act*, including stricter site inspection schedules. The *Act* must 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.