

APPENDIX H

A USER'S GUIDE TO THE "ONE WINDOW" PROCESS FOR MINE DEVELOPMENT APPROVALS

A User's Guide to the

'One Window' Process

for

Mine Development

Approvals



Natural Resources
Minerals and Energy Branch

Information Circular 56

March 2000

A User's Guide to the

'One Window' Process

for

Mine Development

Approvals

This guide to the 'one-window' service is a convenient reference for government review of mine development projects. Project proponents are referred to the *Mineral Resources Act and Regulations*, the *Environment Act and Regulations*, and the *Occupational Health & Safety Act and Regulations* for more detailed information. The aforementioned acts and regulations take precedence wherever discrepancies may occur with the general information in this guide.

A Users's Guide to the 'One Window' Process for Mine Development Approvals

Preface

The Government of Nova Scotia has undertaken a 'one window' process for reviewing, permitting and monitoring mine development projects in Nova Scotia. This approach formalizes how government departments involved with mine development activities act collectively to streamline the review process for both government and the mining industry.

This 'one window' process facilitates an informed, timely and consistent review of new and existing mining projects in the province. The various departments involved in this process include the Nova Scotia Department of Natural Resources, Nova Scotia Department of the Environment, and Nova Scotia Department of Labour, plus other provincial, federal and municipal government agencies as determined on a project-by-project basis. Government representatives from Natural Resources, Environment and Labour have formed a 'One Window' Standing Committee, which is responsible for the 'one window' functions within government.

This user's guide has been prepared by the Department of Natural Resources to assist interested parties in understanding the approvals process for mine development in Nova Scotia. The guide contains information on environmental approvals, mining leases and mining permits, requirements for regulatory monitoring over the life of the project; and site reclamation requirements. The guidebook focuses on the early stages of project screening. Thorough planning and implementation provide the strongest likelihood for the start of a successful mining venture in Nova Scotia.

This guide presents a description of the 'one window' process and explains the roles of key government departments. The Environmental Assessment process is described as it applies to mine development projects, including details of its intent and an overview of the various stages. A description of the necessary licences, leases, permits and approvals is supplied together with the information requirements for each, as well as a list of government contacts.

An information package, encompassing most of the relevant Acts and Regulations related to mine development, is available in the Department of Natural Resources library in Halifax.

The Government of Nova Scotia believes that mineral development is essential to the economic future of the province. This practical user's guidebook is intended to assist proponents and regulators alike in contributing to that future.

Table of Contents

Preface	ii
1. The 'One Window' Process	1
1.1 Introduction	1
1.2 Objectives of the 'One Window' Process	3
2. Department Responsibilities	4
2.1 Department of Natural Resources (DNR)	4
2.2 Department of the Environment (DOE)	4
2.3 Department of Labour (DOL)	4
3. Government Contacts	5
4. Permits and Approvals	9
4.1 Permits/Approvals - Department of Natural Resources	9
4.2 Approvals - Department of the Environment	9
4.3 Role of the Department of Labour	10
4.4 Municipal Government	11
5. Mineral Rights and Land Access	12
5.1 Ownership of Minerals	12
5.2 Identification of Mineral Rights	12
5.3 Land Access	12
5.4 Access to Crown Lands	12
6. Initial Meeting with Government	13
7. The Environmental Assessment Process	15
7.1 Environmental Protection	15
7.2 Planning for Public Input	16
7.3 Environmental Mediation and Consensus Building	16
7.4 Stages of the Environmental Assessment	17
8. Guidelines to Required Licences, Leases, Permits and Approvals	23
8.1 Exploration Licence	23
8.2 Excavation Permit/Bulk Sample Authorization/Letter of Authority	25
8.3 Mining Lease	25
8.4 Mining Permit	26
8.5 Milling Permit	27
8.6 Special Licence/Special Lease	28
8.7 Industrial Approval	29
8.8 Water Approval	30
Appendix A	31

A User's Guide to the 'One Window' Process for Mine Development Approvals

1. The 'One Window' Process

1.1 Introduction

The mineral industry is a major contributor to the economy of Nova Scotia. In the interest of encouraging future mineral development, the provincial government has sought to make the process of review, permitting and approval more efficient.

Mining projects must respect environmental and occupational health and safety standards. Mine development projects must be safe and environmentally prudent; however, the regulatory review process must be free of unnecessary procedures that may unduly hinder development of the project or discourage its proponents.

Mining projects in Nova Scotia are subject to a variety of statutes, which are administered by several government departments. In 1994, the Province of Nova Scotia initiated the design of a 'one window' process to reviewing, permitting, and monitoring mine development and mine closure projects. The overall goal has been to simplify the review process for both the mining industry and the government. The 'one window' process provides for interaction among various government departments and with the mine development proponent, making the review process more consistent and expedient for all. The three government agencies at the forefront of the 'one window' process are:

- Nova Scotia Department of the Environment,
- Nova Scotia Department of Labour, and
- Nova Scotia Department of Natural Resources.

Other government representatives may become involved, depending on the nature of the development project. The Nova Scotia Economic Renewal Agency, Nova Scotia Department of Transportation and Public Works, Environment Canada, and Fisheries and Oceans Canada are examples.

In general terms, this 'one window' process includes the following steps (Fig. 1):

- initial meetings between government representatives and the mine development proponent,
- registration and completion of the Environmental Assessment process,
- applying for the required leases, permits and approvals,
- regulatory monitoring and inspection over the life of the project, and
- regulatory monitoring and inspection during closure and reclamation.

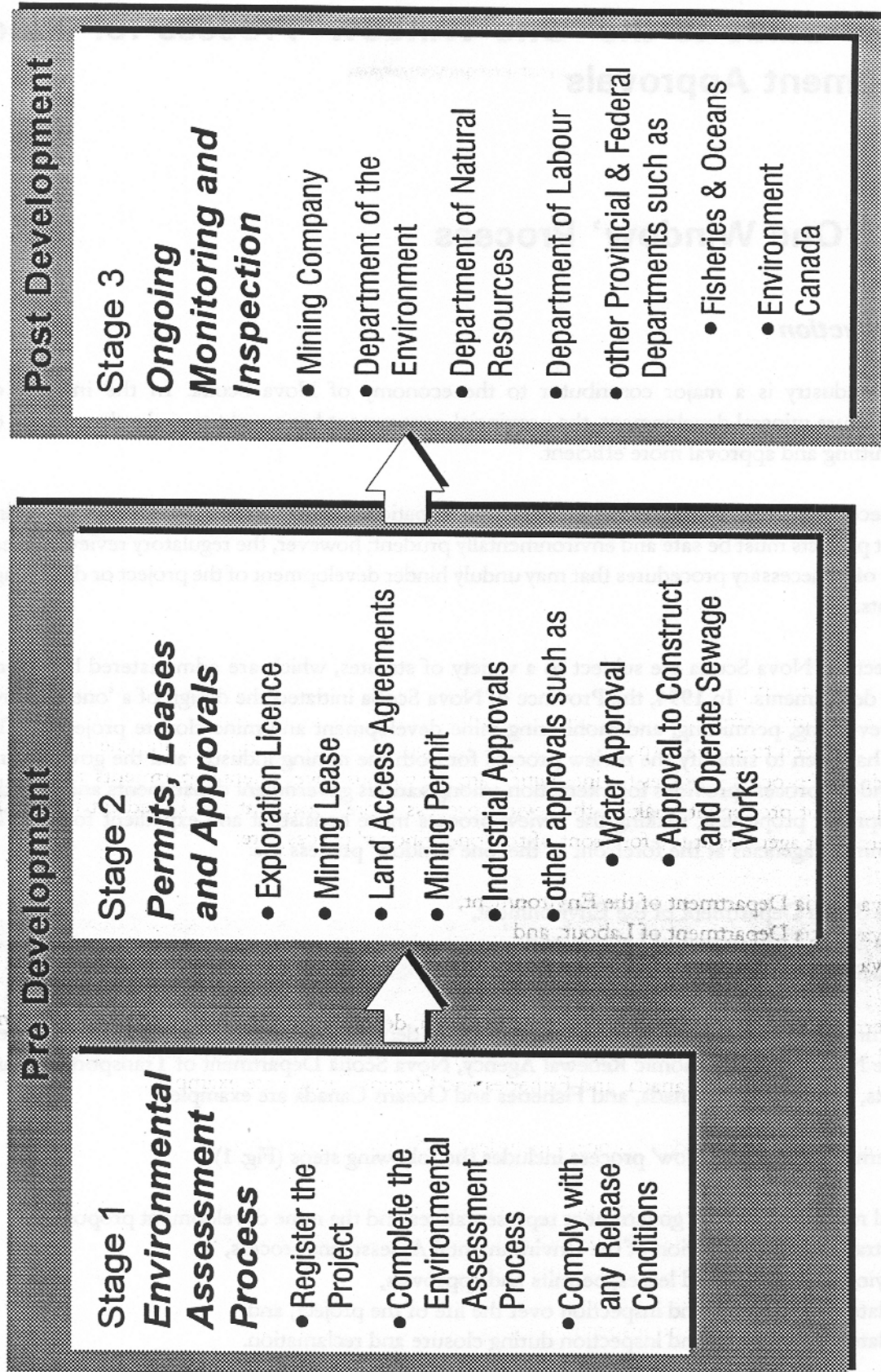
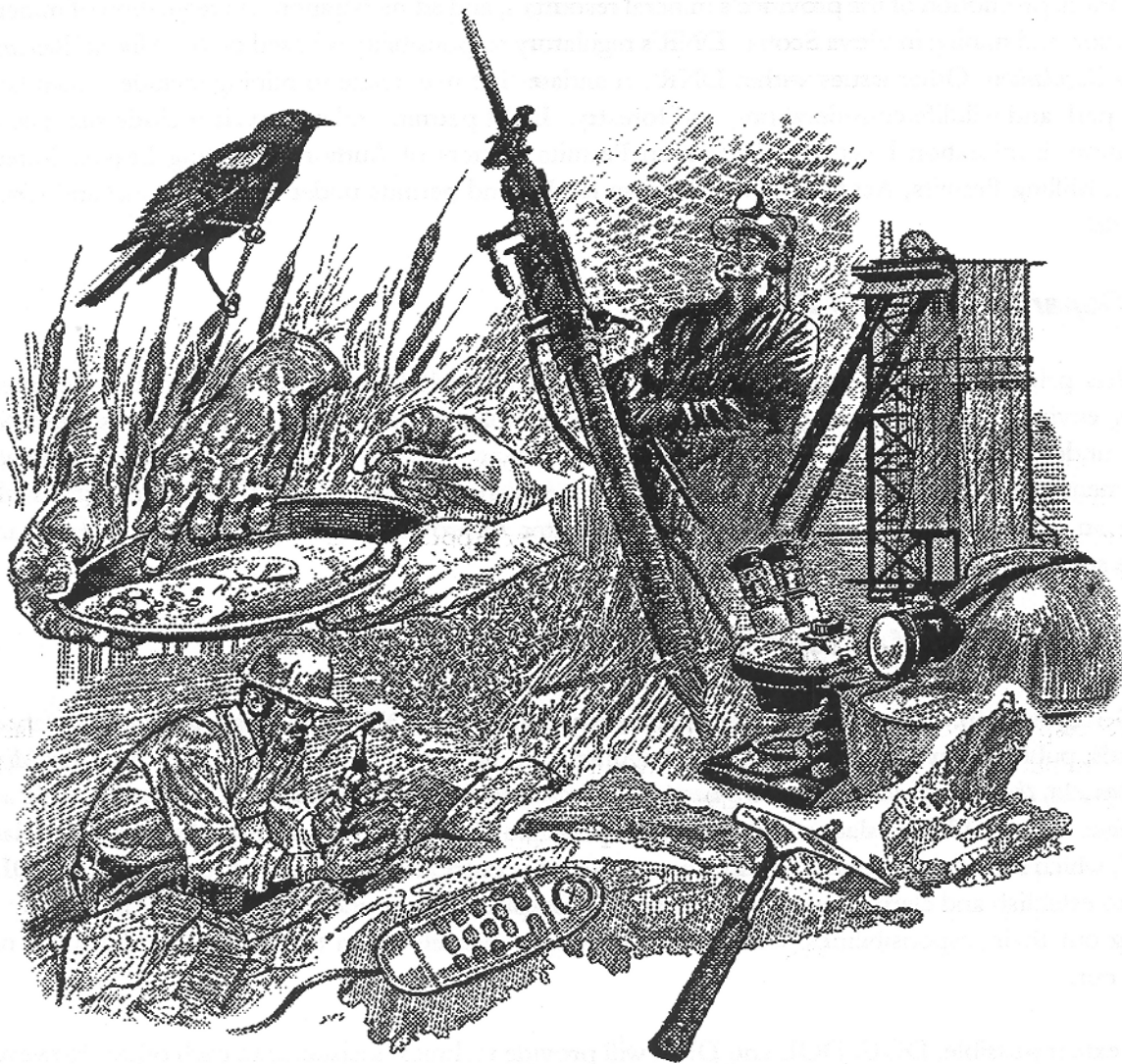


Figure 1. A brief outline of the 'one window' process for mine development approvals.

1.2 Objectives of the 'One Window' Process

The 'one window' process is designed to facilitate cooperation between government departments, improve efficiency, and reduce jurisdictional overlap. It facilitates communication between industry proponents and government. At the same time the process helps to ensure that no significant issues are overlooked.



2. Department Responsibilities

This section presents a brief overview of the key departments' responsibilities with respect to mining projects.

2.1 Department of Natural Resources (DNR)

DNR is most often the first point of contact in government for someone interested in mineral rights or mineral development.

DNR's role with respect to mineral exploration and mining is management of the province's mineral resources. Activities associated with this role include generation and distribution of geological information, promotion of the province's mineral resources, and administration and regulation of mineral exploration and mining in Nova Scotia. DNR's regulatory responsibility is based on the *Mineral Resources Act and Regulations*. Other issues within DNR's mandate that may relate to mining include crown land access, park and wildlife considerations, and forestry. DNR permits and approvals include prospector registration, Exploration Licences, Excavation Permits, Letters of Authority, Mining Leases, Mining Permits, Milling Permits, Access Permits (Crown lands), and permits under the *Beaches Act* and *Crown Lands Act*.

2.2 Department of the Environment (DOE)

DOE has prime responsibility for all environmental issues including the Environmental Assessment process, environmental approvals, and environmental compliance monitoring. Regulatory responsibility comes under the *Environment Act and Regulations*. Mining projects require formal Environmental Assessment approval before being allowed to proceed. Advanced exploration and mining projects usually require an Industrial Approval and sometimes a Water Approval and an approval to construct and operate sewage works or a sewage system.

2.3 Department of Labour (DOL)

DOL'S responsibilities include occupational health and safety (OH&S), industrial relations, labour standards, public safety and fire prevention. Regulatory authority for OH&S is based on the *Coal Mines Regulation Act*, the *Metalliferous Mines and Quarries Regulation Act* and the *Occupational Health & Safety Act and Regulations*. The OH&S legislation is based on the principle of internal responsibility through 'workplace parties', which include any person working on a project or contributing components to a project. DOL's role is to establish and clarify the responsibilities of workplace parties under the law, to support them in carrying out their responsibilities, and to intervene appropriately when those responsibilities are not carried out.

To the extent possible, DOE, DOL and DNR will provide technical assistance to each other. However, the decision-making authority for matters related to the environment, occupational health and safety, and resource management will continue to rest with DOE, DOL and DNR, respectively.

3. Government Contacts

Name	Location	Telephone
'ONE WINDOW' STANDING COMMITTEE		
Chairperson, Manager - Mineral Development and Policy (DNR)	1701 Hollis St., Halifax, NS	902 424-8153
DNR Representative	1701 Hollis St., Halifax, NS	902 424-4911
DOE Representative	5151 Terminal Road, Halifax, NS	902 424-2560
DOL Representative	5151 Terminal Road, Halifax, NS	800 952-2687
NS DEPT. OF NATURAL RESOURCES		
	PO Box 698, 1701 Hollis St. Halifax, NS B3J 2T9	
General Information		902 424-8188
Executive Director, Minerals & Energy		902 424-7943
Director of Mines and Energy Development		902 424-5618
Manager, Mining Engineering		902 424-8153
Registrar, Mineral & Petroleum Titles		902 424-8155
Regional Geologist, Eastern	300 Mountain Road, Coxheath, NS B1L 1A9	902 563-3370
Regional Geologist, Central	626 College Road, Bible Hill, NS B2N 2R2	902 893-6355
Regional Geologist, Western	99 High St., Bridgewater, NS B4V 1V8	902 543-8167
Core Library	Acheron Court, Stellarton	902 752-4842
<u>Area Offices</u>		
Bridgewater	Prov. Bldg., 99 High St., Bridgewater, NS B4V 1V8	902 543-8167
Tusket/Yarmouth	PO Box 99, Tusket, NS B0W 3M0	902 648-3526
Lawrencetown	PO Box 130, Lawrencetown, NS B0S 1M0	902 584-2229

Name	Location	Telephone
NS DEPT. OF NATURAL RESOURCES (CONT'D)		
Kentville	Prov. Bldg., 136 Exhibition St., Kentville, NS B4N 4E5	902 679-6097
Waverley	Box 23, Site 2, RR#1 Waverley, NS B0N 2S0	902 861-2560
Middle Musquodoboit	PO Box 112, Middle Musquodoboit, NS B0N 1X0	902 384-2290
Bible Hill/Truro	626 College Road, Bible Hill, NS B2N 2R2	902 893-5620
Parrsboro	PO Box 428, Parrsboro, NS B0M 1S0	902 254-3241
McLellan's Brook	PO Box 457, New Glasgow, NS B2H 5E5	902 752-3181
Coxheath	300 Mountain Road, Sydney, NS B1L 1A9	902 563-3370
St. Peter's	Prov. Bldg, PO Box 363, St. Peter's, NS B0E 3B0	902 535-2032
Baddeck	Prov. Bldg., PO Box 610, Baddeck, NS B0E 1B0	902 295-2554
Antigonish	Beech Hill, RR#7 Antigonish, NS B2G 2L4	902 863-4513
NS DEPT. OF THE ENVIRONMENT		
	PO Box 697, 5th Floor, 5151 Terminal Road Halifax, NS B3J 3B7	
General Information		902 424-5300
Director, Regional Offices		902 424-2548
Director, Resource Management & Environmental Protection		902 424-2385
Director, Environmental Support Services		902 424-2316
Manager, Environmental Management Support Services		902-424-2284
Manager, Ecosystem & Risk Management		902 424-3617
<u>Regional Offices</u>		
Central/Bedford	Suite 224, Sunnyside Mall, 1595 Bedford Hwy., Bedford, NS B4A 3Y4	902 424-7773
Northern/Truro	2nd Floor, IGA Bldg., 44 Inglis St., PO Box 824 Truro, NS B2N 5G6	902 893-5880
Eastern/Sydney	295 Charlotte St., PO Box 714, Sydney, NS B1P 6H7	902 563-2100
Western/Kentville	136 Exhibition St., Kentville, NS B4N 4E5	902 679-6086

Name	Location	Telephone
NS DEPT. OF THE ENVIRONMENT (CONT'D)		
<u>District Offices</u>		
Sheet Harbour	Fire Hall, PO Box 58, Sheet Harbour, NS B0J 3B0	902 885-2462
Windsor	PO Box 908, 20 Gerrish St., Windsor, NS B0N 2T0	902 798-2096
Shubenacadie	PO Box 104, 5 Mill Village Rd., Room 208, Shubenacadie, NS B0N 2H0	902 758-2097
New Glasgow	PO Box 675, Middle River Pumping Station, Granton Road, New Glasgow, NS B2H 5E7	902 396-4194
Amherst	32 Church St., 2nd Floor, Amherst, NS B4H 3A8	902 667-6205
Port Hawkesbury	PO Box 603, Old Pulp mill Road, Port Hawkesbury, NS B0E 2V0	902 625-0791
Antigonish	23 Bay St., Suite 200, Antigonish, NS B2G 2G7	902 863-2743
Baddeck	PO Box 6, Chebucto St., Baddeck, NS B0E 1B0	902 295-2159
Middleton	PO Box 1240, 142 Commercial St., Middleton, NS B0S 1P0	902 825-2123
Bridgewater	373 King St., Bridgewater, NS B4V 1B1	902 543-4685
Shelburne	PO Box 125, Loyalist Plaza, Shelburne, NS B0T 1W0	902 875-2623
Yarmouth	13 First St., Yarmouth, NS B5A 2S9	902 742-8985
Liverpool	PO Box 9001, 255 Main St., Suite 201, Liverpool, NS B0T 1K0	902 354-5784
Digby	PO Box 481, Warwick St., Digby, NS B0V 1A0	902 245-2860
Lockeport	PO Box 158, Hayden Lake Water treatment Plant, Lockeport, NS B0T 1L0	902 875-8630
NS DEPT. OF LABOUR		
	PO Box 697, 6th Floor, 5151 Terminal Road Halifax, NS B3J 2T8	
General Information		902-424-8400
Occupational Health & Safety Division		902 424-5400
Toll Free Number		800 952-2687
Executive Director, Occupational Health & Safety		902 424-4328
Director, Central Services		902 424-8055
Director, Field Services		902-424-8181

Name	Location	Telephone
NS ECONOMIC RENEWAL AGENCY	1800 Argyle St., Halifax, NS B3J 3N8	902 424-8920
NS DEPT OF HOUSING & MUNICIPAL AFFAIRS	PO Box 216, 1601 Lower Water St., Halifax, NS B3J 2M4	902 424-4141
ENVIRONMENT CANADA	4th Floor, 45 Alderney Drive Dartmouth, NS B2Y 2N6	902-426-1855
FISHERIES & OCEANS CANADA	PO Box 550, Halifax, NS B3J 2S7	902 426-2253

4. Permits and Approvals

4.1 Permits/Approvals - Department of Natural Resources

Permits and approvals related to mineral resource management that are issued by DNR under authority of the *Mineral Resources Act* (MRA) include prospector registration, Exploration Licences, Excavation Permits, Letters of Authority, Mining Leases, Mining Permits, and Milling Permits. A requirement of all permits and approvals granted under authority of the MRA is that work must be conducted in compliance with the *Occupational Health & Safety Act and Regulations* and the *Environment Act and Regulations*. These MRA permits and approvals, together with relevant permits issued under other DNR legislation, are summarized below:

Prospector Registration: conveys the non-exclusive right to search and prospect for minerals with the landowner's permission on unlicensed, open ground. Only non-disturbance activity is authorized.

Exploration Licence: grants the exclusive right to search and prospect for minerals within a designated area. Activities can include prospecting and geological survey work, drilling, and minor excavation work (less than 1 metre in depth and without mechanized equipment).

Excavation Permit: grants permission to undertake limited surface or underground exploration or bulk sampling (removal of less than 100 tonnes of material).

Letter of Authority: extraction of a bulk sample of more than 100 tonnes of material requires an Excavation Permit and a Letter of Authority from the Director of Mines.

Mining Lease: grants the exclusive right to some or all of the mineral resources in a specific area but does not allow any field activity beyond basic exploration. An Excavation Permit, Letter of Authority, and/or a Mining Permit are available to permit excavation activity within the area contained in a Mining Lease.

Mining Permit: gives the right to mine some or all of the mineral resources granted within the Mining Lease, subject to the *Mineral Resources Act* and terms and conditions of the Mining Permit, the *Environment Act*, and the *Occupational Health & Safety Act*. The Mining Permit may cover an area less than the area covered by the Mining Lease.

Milling Permit: grants the right to process ore subject to compliance with all pertinent legislation including the *Mineral Resources Act*, the *Environment Act* and the *Occupational Health & Safety Act*.

Access Permit: an Access Permit authorizes access to Crown lands for a specified purpose.

4.2 Approvals - Department of the Environment

Mining projects require formal environmental assessment approval from DOE in accordance with the Environmental Assessment Regulations. Other DOE approvals that will likely be required for a mine include an Industrial Approval and a Water Approval.

The formal Environmental Assessment process for a mine proposal normally starts following advanced exploration, when the proponent has made the decision that geological and economic conditions warrant mine development. When a proponent has made this decision, the 'One Window' Committee will, through meetings with the proponent and meetings with other agencies as necessary, establish the information that should be included in the project's Environmental Assessment registration. The 'one window' process will continue throughout the Environmental Assessment at a level appropriate to the degree of assessment required for the project.

Full involvement of the 'One Window' Committee through the Environmental Assessment process will serve to reduce repetition of submissions by the proponent to the various government departments involved in the permitting processes. Information gathered in the Environmental Assessment could be required to support applications for other necessary approvals, such as an Industrial Approval, Water Approval or Mining Permit.

Industrial Approval: is required under the Activities Designation Regulations for industrial activities in Nova Scotia that have air, liquid, or solid waste disposal requirements associated with them. These include activities associated with minerals, mining and processing.

Water Approval: is required under the Activities Designation Regulations for the use or alteration of a watercourse or water resource. This approval includes, but is not limited to, withdrawal or diversion of water in an amount greater than 23,000 litres per day; storage of water in amounts of 25,000 cubic metres or greater; construction or maintenance of a dam, culvert, bridge, causeway, wharf, weir, or fishway; and modification of a surface water course.

4.3 Role of the Department of Labour

The Nova Scotia Department of Labour concentrates its efforts on safe and healthy workplaces and work practices, and health and safety standards protecting the general public. The Occupational Health and Safety (OH&S) Division focuses on promotion of the internal responsibility system, which acknowledges the responsibility of employers, employees and other workplace parties for workplace health and safety. The OH&S Division, through information and enforcement, effects workplace and public health and safety through the following processes:

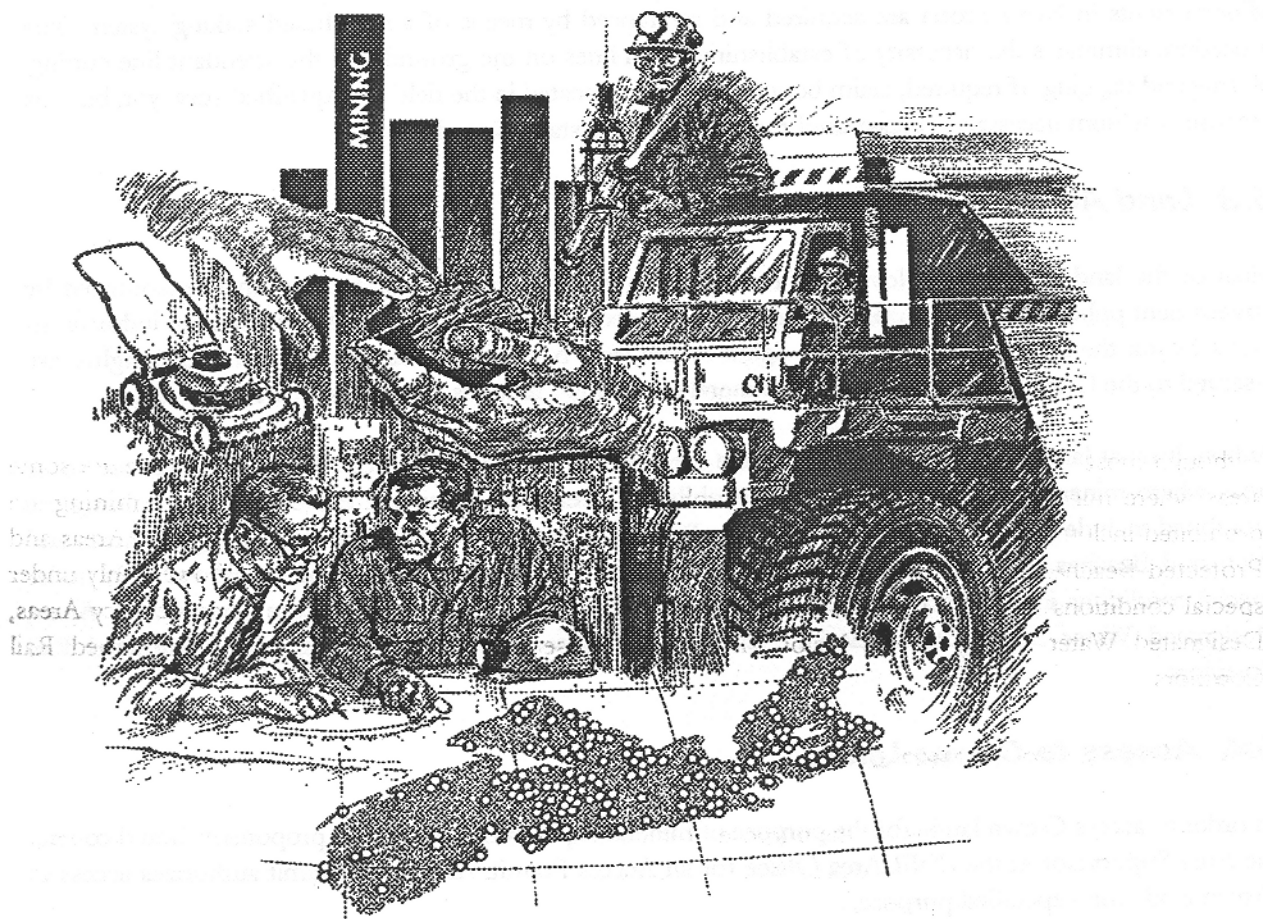
- promoting the primary responsibility of employers and employees to create a healthy and safe work environment;
- providing inspection, certification and enforcement services, particularly in support of internal responsibility;
- developing partnership through communication;
- enhancing client services;
- ensuring effective use of resources, and
- ensuring that legislation is kept up to date, responding to changes in workplace practices, procedures and technology.

OH&S Division staff enforce the minimum standards of the legislation. In addition to their regulatory role, they also encourage and promote compliance and negotiate the provision of services in excess of these minimum standards through inspection, investigation and orders.

In addition to OH&S and public safety, DOL is also responsible for industrial relations, labour standards, and fire prevention.

4.4 Municipal Government

In addition to federal and provincial jurisdictions, Nova Scotia has a third tier of government: municipal government. Municipal government, which may represent a town, regional municipality, or county has responsibility for municipal development plans, planning strategies, building permits, streets and secondary roads, and municipal bylaws. Thus, for mine development, a proponent may need to obtain municipal permits and approvals.



5. Mineral Rights and Land Access

5.1 Ownership of Minerals

Mineral rights in Nova Scotia are reserved to the Crown. 'Mineral' as defined under the *Mineral Resources Act* (MRA) includes all common mineral substances except ordinary stone, building stone, aggregates (both crushed and granular), peat or peat moss, ordinary soil, oil or natural gas and gypsum. As well, several deposits of limestone have specifically been declared a mineral under the MRA. Otherwise rights to limestone and all stone, sand, gravel, peat, soil and gypsum (but not anhydrite) are attached to ownership of the surface (private or Crown). When title to minerals for the purpose of production under the MRA is terminated for any reason, all minerals including those in the tailings and waste rock revert to the Crown.

5.2 Identification of Mineral Rights

Mineral rights in Nova Scotia are acquired and referenced by means of a map-based staking system. The procedure eliminates the necessity of establishing claim lines on the ground and the attendant line cutting, blazing and flagging. If required, claim boundaries can be located in the field by a qualified surveyor, but this practise is seldom necessary, at least until the actual mining stage is reached.

5.3 Land Access

Most of the land throughout Nova Scotia is open for mineral exploration. Exploration is encouraged by government policy that emphasizes the importance of access and tenure to land by the mineral industry. In Nova Scotia the landowner has surface rights to the land but not the mineral rights; mineral rights are reserved to the Crown. Access to land for mineral exploration requires the land owner's permission.

Although most land in Nova Scotia is available for mineral exploration and development, there are some areas where mineral activity is restricted or prohibited. Areas where mineral exploration and mining are prohibited include Federal and Provincial Parks, Park Reserves and Protected Areas, Ecological Areas and Protected Beaches. Areas where mineral activity is permitted but may be restricted or allowed only under special conditions include Provincial or National Wildlife Management Areas, Nature Conservancy Areas, Designated Water Supply Areas, Major First Nation Reserves, Major Airports, and Abandoned Rail Corridors.

5.4 Access to Crown Lands

In order to access Crown lands for the purpose of mineral exploration, the project proponent should contact the Area Supervisor at the DNR Area Office for an Access Permit. An Access Permit authorizes access to Crown lands for a specified purpose.

6. Initial Meeting with Government

The 'one window' process has been implemented by the Province of Nova Scotia to make the review process for mine development projects efficient for both the mining industry and government. A flow chart illustrating the 'one window' approval process for mine development is shown in Figure 2.

The proponent of a mine development project is encouraged to make initial contact with the Chairperson of the 'One Window' Standing Committee, the DNR Manager of Mining Engineering. This DNR representative will then arrange an initial, informal meeting with the 'One Window' Committee. Through discussions between the proponent and the committee, additional regional representatives of these departments, and other government officials as appropriate, may also be invited to this initial meeting.

The purpose of the initial meeting is for the proponent to provide an overview of the new project. The tone of the meeting should be informal. Representatives of the various government departments want to be informed of the proponent's plans and they will use this meeting to advise and assist the proponent to understand regulatory matters from each of the departments. Discussion items at this initial meeting may include:

- scope of the development project;
- general work plan and project management schemes;
- description of proponent's staff, consultants, and contractors;
- environment and workplace health and safety;
- emergency planning;
- water courses in the area;
- mineral titles and leases; and
- excavation, milling and tailings plans.

The 'One Window' Committee will then discuss any significant issues and answer questions the proponent may have regarding the review, approval and permitting processes. At the conclusion of this initial meeting the Department of the Environment makes an important decision:

Will the project have to be registered under the Environmental Assessment process?

If the nature of the project is such that it must be registered under the Environmental Assessment Process, the proponent will be advised at this time.