Remediating Contaminated Sites in Canada’s North

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Copenhagen, 4-5 October 2017
Provide overview of how contaminated sites are managed in Canada’s North

Provide and overview of the Northern Contaminated Sites Program
Contaminated Sites in Northern Canada

- Long before proper environmental regulations were in place, decades of human activity have left a legacy of contaminated land across Canada.

- Contaminated sites in Northern Canada originate from private sector resource extraction or past government military activity.

- In the 1990’s, the price of commodities dropped considerably and many mining companies filed for bankruptcy.

- These abandoned mines became the responsibility of the Canadian Government.

What is a Contaminated Site?

A contaminated site is "one at which substances occur at concentrations above background (normally occurring) levels and pose or are likely to pose an immediate or long term hazard to human health or the environment, or exceeding levels specified in policies and regulations."

http://www.federalcontaminatedsites.gc.ca
Jurisdictional Framework
Provinces & Territories

Ottawa
Federal Role

- Federal contaminated sites are located on land owned or leased by the federal government, or on land where the federal government has accepted responsibility for the contamination.

- The size and scope of federal contaminated sites vary greatly and include, for example, abandoned mines on Crown land in the North, airports, lighthouse stations, and military bases.

### Number Active Sites
- Northern Contaminated Sites: 4%
- Rest of Canada: 96%

### Liability
- Northern Contaminated sites: 33%
- Rest of Canada: 67%
$3.5 billion, 15 year FCSAP funding established in 2005 to address federal contaminated sites.

- There 18 custodians (departments, agencies or Crown corporations) that receive funding under FCSAP.

Co-chaired by Environment Canada and the Treasury Board Secretariat

- Expert support Departments provide technical review of proposals and advice to custodians.

Priority setting

- Projects ranked primarily according to health and ecological risk using science-based criteria.
- Other considerations may include: impact on traditional lifestyles, risk of increasing liability if no action taken, potential legal issues.

Cost-share, between FCSAP and custodian, ranges from 80% to 100% depending on total budget of the project.
Indigenous and Northern Affairs Canada (INAC) is the lead federal department for two-fifths of Canada's landmass, with a direct role in the political and economic development of the territories and significant responsibilities for science, land and environmental management.

The Northern Contaminated Sites Program (NCSP) is responsible for addressing contaminated sites across the Yukon, Northwest Territories and Nunavut.

The objective of the NCSP is to manage contaminated sites in a cost-effective and consistent manner. The program aims to reduce and eliminate, where possible, risks to human and environmental health, and liability associated with contaminated sites in the North. Priority is given to those sites posing the highest risks.
NCSP Portfolio

**Mega Projects (2)**
- > $500 million to remediate
- > 10 years to complete
- No walk-away solution
- Faro & Giant mines

**Large Projects (6)**
- $100 - $500 million to remediate
- 5 – 10 years to complete
- Long-term monitoring required
- UKHM, Tundra, GBL, Nansen, Cantung & Colomac

**Medium Projects (18)**
- $10 - $100 million dollars to remediate
- 1 – 5 years to complete
- Walk away solution, minimal short-term monitoring required
- DEW Lines, Clinton, BMR, Canol, Ketza…

**Small Projects (55)**
- < $10 million to remediate
- < 1 year to complete
- Walk away solution, no monitoring required
- Bathurst, AGS, Venus
Closure Objectives

- Protect public health & safety
- Protect the environment
- Productive land use
- Best management practices
- Cost effective
- Socioeconomic considerations
NCSP Core Activities

- Care and maintenance of key sites undergoing remediation
- Investigation and assessment of suspected sites
- Development of site remediation / risk management plans
- Consultation activities
- Securing required regulatory approvals
- Implementation of remediation activities
- Ongoing monitoring

Clinton Creek, YK

Tundra, NWT
Challenges in the North

◆ Remote Areas
  ▪ Mobilization challenges (winter road, sealift and air access)
  ▪ Health & safety concerns
  ▪ Costly

◆ Short field seasons

◆ Complexity and size of sites

◆ Permafrost
  ▪ Climate change adaptation

◆ Internal and external capacity
  ▪ Competing with public/private sector
  ▪ Human resource capacity

◆ Wildlife
  ▪ Sites in sensitive areas
  ▪ Traditional land use implications
Overarching goal of Government to renew the relationship between Canada and Indigenous Peoples.

Objectives guiding our work on contaminated sites:

- Engagement and participatory capacity of Indigenous groups in reviewing and monitoring major resource development projects
- Promoting economic development and creating jobs for Indigenous Peoples as we invest in managing contaminated sites
Over the last few decades, Northern governments have taken on greater responsibility for many aspects of their region's affairs.

Devolution is the transfer of province-like responsibilities from the federal government to the territories and is a long standing policy objective of the Government of Canada.

However, Canada has retained responsibility to address legacy contaminated sites.
Devolution Transfer Agreement - 2003

- When Canada transferred land, water, mineral and forest resources responsibilities to the Government of Yukon in 2003, we specified mines with potentially large unfunded environmental liabilities.

- The Government of Canada works with the Government of Yukon and Indigenous partners and continues to pay the costs for the cleanup of these contaminated sites in the Yukon.

- Federal Liability of $1.74B (7 sites)
Devolution Transfer Agreement - 2014

- On April 1, 2014, the Northwest Territories became the second territory to take over land and resources responsibilities, as the final major step in the territory's devolution process.

- After Devolution, only certain designated areas remain under federal control. These areas include national parks and federally managed contaminated sites.

- Federal Liability of $1.09B (74 sites)
Devolution in Nunavut is being negotiated, but Canada continues to have full responsibility for land and water management which includes contaminated sites.

Current Federal Liability of $184M (74 sites)
Settled and Unsettled Land Claims
The Yukon Devolution Transfer Agreement specifically designates 4 affected Yukon First Nations that are afforded special consideration on the Faro Mine Remediation Project.

As a result of the agreement, the Faro Mine Remediation project has unique governance and management challenges in comparison with other contaminated site projects in the Northwest Territories or Nunavut.
Consultation and Engagement

- Canada has statutory, contractual and common law obligation to consult with Indigenous groups.
- The duty of the Federal Crown to consult on specific activities is determined by 3 elements:

  CROWN CONDUCT + ABORIGINAL OR TREATY RIGHTS + POTENTIAL TO ADVERSELY IMPACT ON RIGHTS = DUTY TO CONSULT

“Consultation” is the formal requirement to discuss a Project, but there are many ways to go about it”
Making It Meaningful

Relationships
- Equality
- Partnership
- Good Faith
- Respectful
- Transparent

Objectives
- Clear Goals
- Inclusive
- Collaborative
- Ongoing

Obligations
- Policies
- Challenges
- Safety
- Commitments
Tools for Success

- Strong Governance Regimes
- Stakeholders and Partnerships
- Aboriginal Opportunities
- Private Sector Opportunities
- Technical Approach
- Socio Economic Considerations

October 2017
Copenhagen, Denmark
www.iccl.ch
Private Sector Opportunities

The Program is working with the private sector to:

- Take advantage of existing labour and equipment
- Align with work already occurring in the region
- Leverage historical mine assets to encourage the redevelopment of land that is already impacted
- Allowed our Program to develop synergies and successfully reduce liability associated with contaminated sites, saving taxpayers money
- Additional abandoned mine sites are being investigated to take advantage of partnerships with industry
Program Results (Since 2005)

Expenditures
- Over $1.7B spent
- 50 sites completed to-date, 2 more likely to be completed this year

Consultation
- Over 15,000 people have attended 1,100 community consultation sessions, workshops & site tours

Economic
- Provided over 5,500,000 person-hrs of employment:
  * incl. 3,650,000 person-hrs (65%) Northern and/or Aboriginal employment
- Entered contracts worth over $500M with Northern and/or Indigenous suppliers.

Training
- Delivered close to 206K hours of training to over 7,500 employees

Assessments
- Approximately 1030, of which 94 were classified as high priority for action.
Cleaning up contaminated sites in Canada’s North remains a difficult task due to a complex political environment, complex sites and complex engagement requirements. However, the Government of Canada remains committed to the proper management of those contaminated sites for which it is responsible.

In addition to the cleanup of contaminated sites in the North, NCSP continues to work on the following:

- Seeking new source of funds - The Federal Contaminated Sites Action Plan is the primary source of funds for the Northern Contaminated Sites Program and will sunset in March 2020.
- Leveraging investments to not only address liability but ensure the protection of human and environmental health and safety.

Thank you!