

From: Karen Costello <karen.costello@miningnorth.com>
Sent: Friday, September 19, 2025 5:11 PM
To: Ministre des Affaires du Nord et de l'Arctique et ministre responsable de l'Agence canadienne de développement économique du Nord/ Minister of Northern and Arctic Affairs and Minister responsible for the Canadian Northern Economic Development Agency; Jay_Macdonald@gov.nt.ca; dakeeagok6@gov.nu.ca; Kenny Ruptash Gideon, Valerie (she-elle-negm); Wright, Rob; Robert Jenkins; Nathen Richea; kcronin2@gov.nu.ca; Caitlin Cleveland; Pamela Strand
Cc: Correspondence from the NWT & Nunavut Chamber of Mines
Subject: 20250919 Chamber Letter to Ministers RECLAIM.pdf; COM White Paper Reclaim and Policy_ September 2025.pdf
Attachments:

Follow Up Flag: Follow up
Flag Status: Flagged

COURRIEL EXTERNE - FAITES PREUVE DE PRUDENCE / EXTERNAL EMAIL - USE CAUTION

Good day Ministers,

Attached is correspondence sent on behalf of Kenny Ruptash, President of the NWT & Nunavut Chamber of Mines.

Regards,

Karen
Karen D. Costello P. Geo, FGC
Executive Director
NWT & Nunavut Chamber of Mines
#4, 5120 49th Street
Yellowknife NT X1A 1P8
Email: karen.costello@miningnorth.com
VCard: karen.costello.vcardinfo.com
Cell: (867) 222-5281
Website: www.miningnorth.com

Mining North Works! Website
www.miningnorthworks.com



September 19, 2025

The Honourable Rebecca Chartrand
Minister of Northern and Arctic Affairs,
Government of Canada
Sent via email: ministrean-ministerna@rcaanc-cirnac.gc.ca

The Honourable Minister Jay Macdonald,
Minister of Environment and Climate Change,
Government of Northwest Territories
Sent via email: Jay_Macdonald@gov.nt.ca

Honorable David Akeeagok,
Minister Community Services,
Government of Nunavut
Sent via email: dakeeagok6@gov.nu.ca

Re: Updating the 2002 Mine Site Reclamation Policies for the Northwest Territories and Nunavut

Dear Minister Chartrand, Minister Macdonald and Minister Akeeagok,

The NWT & Nunavut Chamber of Mines (the 'Chamber') is the leading advocate for responsible mineral exploration and development in the NWT and Nunavut. Its key objective is to encourage, assist and stimulate prosperous, sustainable and environmentally responsible growth of the mineral exploration and mining sector in partnership with, and to the benefit of, communities, businesses, Indigenous organizations and governments. Our members support infrastructure growth, training and education, employment, revenue generation, and community wellness.

On behalf of the Chamber, I am writing to emphasize the importance of revisiting the **2002 Mine Site Reclamation Policy for the Northwest Territories and Nunavut prior to finalizing the update to RECLAIM**. The Chamber of Mines has prepared the attached **RECLAIM V8 and the 2002 Mine Site Reclamation Policy for NWT & Nunavut White Paper** that looks at recent modernization exercises in two leading jurisdictions and offers recommendations for the policy review.

Since January 2025, the Chamber has been extensively engaged in the process initiated by the CIRNAC Nunavut Regional Office and GNWT Environment & Climate Change (ECC) on the update of RECLAIM V7, a tool used to estimate mine site reclamation costs. Estimates used by RECLAIM and the tool itself (an EXCEL spreadsheet with unit costs for activities associated with mine site reclamation) are utilized by CIRNAC, territorial governments, Indigenous governments, northern land and water boards, and even the Department of Fisheries and Oceans to inform the financial security required under various authorizations and permits.

To date, government officials have indicated that the RECLAIM V8 update process is set to be finalized without a review of the associated reclamation policy despite the proposed changes going beyond unit rate updates and before Nunavut devolution comes into affect April 1, 2027. Any tool must fit policy rather than changing policy to fit a tool.

For more than two decades, this policy has provided a foundation for reclamation planning and financial security in the North which Chamber members have utilized to inform mine and financial planning. Global best practices in mine closure, environmental protection, progressive reclamation and Indigenous partnership have advanced. To remain effective, policy must evolve with these changes, recognizing the importance of the minerals industry to the north and to Canada overall.

Path Forward

The Chamber respectfully encourages your respective offices to initiate a policy review and consultation process that brings together Indigenous governments, territorial regulators, communities, and industry prior to finalizing the current RECLAIM update process.

We look forward to contributing constructively to the policy renewal process and would be happy to meet with you or your officials.

Thank you for your attention to this important matter and for your leadership in strengthening the foundation for responsible resource development in the North.

Sincerely,



Kenny Ruptash
President, Chamber

Attachment/

cc. Valerie Gideon Deputy Minister, Crown-Indigenous Relations and Northern Affairs
Rob Wright, Associate Deputy Minister, Crown-Indigenous Relations and Northern Affairs
Robert Jenkins, Deputy Minister, Environment and Climate Change, GNWT
Kristie Cronin, Deputy Minister, Community Services, Government of Nunavut
Honourable Caitlin Cleveland, Minister of Industry, Tourism and Investment, GNWT
Pamela Strand, Deputy Minister, Industry, Tourism and Investment, GNWT



RECLAIM V8 and the 2002 Mine Site Reclamation Policy for NWT & Nunavut White Paper

Prepared for the NWT & Nunavut Chamber of Mines

SEPTEMBER 10, 2025

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SECTION 1. INTRODUCTION

1.1 Purpose

The NWT & Nunavut Chamber of Mines (Chamber) has prepared this White Paper to support discussions with the Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) the Government of Northwest Territories (GNWT) and Government of Nunavut (GN) on the need to update relevant federal Northern reclamation policies before proceeding with or finalizing any proposed update to RECLAIM (i.e., RECLAIM V8).

During engagement on RECLAIM V8 to date, questions and comments have been raised regarding mine reclamation policy and the role of the RECLAIM model. Other relevant initiatives, such as, the Nunavut devolution process are happening concurrently and must be properly taken into account. Through the process of updating the RECLAIM tool it has become clear that for this tool to remain relevant and useful, and to ensure that RECLAIM V8 updates do not result in significant negative impacts to the Northwest Territories (NWT) and Nunavut economies, mine reclamation policy must be updated concurrently with the tool update and improvements.

The GNWT Land and Water Boards are initiating a process to update closure and reclamation cost estimate guidelines in January 2026. There is a need to wait until after this update is complete before RECLAIM is finalized and implemented in the NWT.

However, a fulsome review of over-arching mine site reclamation policy for both the NWT and Nunavut, including engagement with Indigenous groups, co-management boards, industry and the public, is needed before an update to RECLAIM and associated implementation guidelines is complete.

This White Paper discusses the policy comments raised by industry during CIRNAC's and GNWT's engagement on RECLAIM V8 to date. The Chamber engaged Currie & Co. Consulting Inc.¹ to support the development of this submission

1.2 Context

The mineral exploration and mining sector is the sole industry impacted by RECLAIM. Mining is the largest economic driver in Canada's North, contributing to Canada's economy. The mines operating in the NWT and Nunavut are the largest private sector contributor's to each territory's economy (Mining Association of Canada 2023). In 2024, mining in Nunavut contributed 46% of Gross Domestic Product (GDP) and mining in the NWT contributed 18% of GDP (Statistics Canada 2024).

¹ <https://www.linkedin.com/in/anne-currie-74a13913/?originalSubdomain=ca>

Mine reclamation in the NWT and Nunavut is currently guided by the respective 2002 Mine Reclamation Policies (hereafter referred to as the “2002 Policy”). There is an opportunity to modernize the Nunavut policy to meet the April 1, 2027 timeline for the devolution of the management of public lands and waters to GN while also meeting the interests of the GNWT to have current-day unit costs in an updated version of RECLAIM. There is also an opportunity to modernize the NWT policy.

Modernizing the 2002 Policy would:

- reflect advancements in mine closure science, current regulatory practices across Canada, and contemporary environmental, and social and science and economic conditions;
- support the economic and strategic goals of the *Canada Build Act*, intended to improve Canada’s economy, connectivity, industry diversification and national security and sovereignty;
- support the Government of Canada’s Critical Minerals Strategy, aimed at boosting the domestic supply of responsibly sourced critical minerals, economic growth, climate action and reconciliation with Indigenous groups; and
- increase investor confidence.

SECTION 2. REVIEW OF POLICY ISSUES

This section reviews and discusses the policy comments raised by industry. The following discussion is informed by the 2002 Policy, Draft RECLAIM V8, NWT guidance and mining security options research (CIRNAC 2025). Also considered is reclamation security legislation and policies primarily in Alberta, British Columbia (B.C.) and the NWT as these jurisdictions have recently updated their policies and supporting guidance documents. In the case of B.C., the policy review and update took about 17 months.

Should it be of interest, additional research could be undertaken to canvass concepts from other Canadian jurisdictions – the following is intended to illustrate topics that are not currently fully considered in the 2002 Policy, and how further consideration of these items could meaningfully change the approach to RECLAIM V8. Recommendations are provided for each policy issue. It is important to note that each of the following approaches may not ultimately be suitable in the NWT and/or Nunavut context – however in the Chamber’s view, these are all topics that can and should be given proper consideration in tandem with any significant update to the RECLAIM model.

2.1 Linking Reclamation Securities to Asset Value and Liability

Industry commented that asset value and liability such as the B.C. Major Mines Reclamation Security Policy (“Interim Policy”, Ministry of Energy, Mines and Low Carbon Innovation 2022) and the Asset Safety Factor Deposit (ASFD) under Alberta’s Mine Financial Security Program (MFSP) should be considered in establishing reclamation securities.

B.C.’s Interim Policy² requires that at all times in a mine’s life there must be sufficient security in place to provide assurance that taxpayers will not be required to pay for mine site reclamation and environmental clean-up if companies default on their obligation to do work.³ Reclamation liability cost estimates (RLCE) include all costs required to implement the reclamation and closure plan and maintain compliance with provincial and federal regulatory requirements over a 100-year period.⁴ Year 1 of the 100-year period is set to the year the RLCE are submitted regardless of whether the site is in construction, operation, care and maintenance, or closure (Ministry of Energy, Mines and

² The Interim Policy is implemented under the existing legislative framework while work is done on the Public Interest Bonding Strategy. The policy will be updated as necessary following the conclusion of this work.

³ Reclamation securities are based on the peak disturbance over a five year period and not on disturbance created over the projected life of mine. The reclamation security increases incrementally with the level of disturbance so that the security held at any point in a mine’s life is equal to or greater than the reclamation liability at any point in time.

⁴ Two costing scenarios are considered for the 100-year period: the calculated liability and reclamation and closure costs associated with the existing site disturbance and implementation of the next five years of the mine plan; and the calculated liability and reclamation and closure costs associated with the life of mine, where the permitted mine plan is fully implemented. For both scenarios, the RLCE must show the total cost estimates: total RLCE without any discounts or credits applied to any cost category; total RLCE with applicable discounts applied to eligible cost categories; and total RLCE with applicable discounts and any eligible exploration incentive security credits applied.

Low Carbon Innovation 2024). This timeline is driven by water quality and based on the number of years that it might take to meet permit discharge limits without treatment.

The Interim Policy considers the stage of a mine's life as a component of determining how much security must be posted. Under the Interim Policy:

- All new mines will be required to post reclamation security equal to 100% of the reclamation liability for the projected disturbance and any environmental liabilities created in the first 5 years of the mine's life.
- All mines having less than 5 years of economically viable reserves remaining must post reclamation security equal to 100% of the reclamation liability for the remaining life of mine.
- Mines that have been operating for more than 5 years, and that have economically viable reserves for more than the next 10 years at the permitted production rate, will be eligible to secure up to 25% of the reclamation liability against a portion of the reserve value. The portion secured in this way helps to incentivise ongoing exploration, which can support continued operations and continuing benefits to the province from existing mines. The remainder must be secured using acceptable financial instruments (which includes surety bonds as an acceptable financial instrument, per the section below).
- Mines that have been operating for more than 5 years, and that have economically viable mineral reserves for more than the next 5 years (but less than the next 10 years) at the permitted production rate, will be eligible to secure up to 15% of the reclamation liability against a portion of the mineral reserve value. Again, the policy goal for this approach is to help support ongoing exploration. The remainder must be secured using acceptable financial instruments.
- No more than 10% of the value of the mineral reserves may be used as reclamation security. The value of the reserve for this purpose is the net present value of the pre-tax free cash flow at a discount rate of 8% as reported in a publicly available National Instrument 43-101 Technical Report (NI43-101). This represents the net discounted free cash flow after all extraction and production costs are paid including operating, capital, and refining costs.
- A default contingency of 15% will apply to RLCE. Higher contingencies may be required depending on the level of risk or uncertainty. Lower values would need to be justified by the permittee and accepted by the chief mine permitting officer.

Alberta's MFSP manages coal and oil sand liabilities and protects the public from paying closure costs. Companies pay the full financial security deposit based on estimated liabilities (i.e., costs to abandon, remediate, and reclaim the site) at the start of the mining project. When the project is close to operating, the approval holder can submit a request to calculate its financial security using the four security deposit types, which focus on potential risks throughout the mine's life cycle, or they can continue to pay full financial security until the mine receives a reclamation certificate. The four financial security deposits are as follows:

Based Security Deposit (BSD): The approval holder pays the BSD once the Alberta Energy Regulator allows the approval holder to use the four deposits to calculate their security. This deposit is used to maintain the security and safety of the site until another operator assumes responsibility for the project or until all infrastructure is removed and the site is reclaimed.

Operating Life Security Deposit (OLD): The OLD addresses project risks that coincide with the end of a mine's reserves. An approval holder is required to start posting financial security when there are less than 15 years of reserves remaining. This deposit ensures that all outstanding abandonment, remediation, and surface reclamation costs will be fully secured by the time there are less than six years of reserves remaining.

Asset Safety Factor Deposit (ASFD): The ASFD addresses the scenario where the approval holder's MFSP asset value falls below three times the cost of its MFSP liability. The ratio of MFSP assets to MFSP liability is called the asset safety factor. When a project's MFSP asset-to-liability ratio falls below 3.0, the approval holder must pay financial security to set its ratio at 3.0.

Outstanding Reclamation Deposit (ORD): The ORD addresses the risks posed by an approval holder that defers reclamation of its site until the end of operations. The approval holder must post an ORD when it fails to meet its approved reclamation plan targets (Alberta Energy Regulator 2025).

Both B.C. and Alberta require annual reporting on reclamation progress and other matters. In B.C., operating mines must file annual reclamation reports, which provide a synopsis of mining and reclamation activities, and demonstrate compliance with approved plans, permit conditions and best practices. The reports also provide the cumulative total of all disturbances (location, aspect and size in each year and projected for next 5 years). In Alberta, companies must provide annual updates on asset and liability information.

Recommendation: The policy review should evaluate linking asset value (mineral reserves) and liability in determining reclamation securities. The stage of a mine's life, projected disturbance and reporting requirements should also be considered.

2.2 Discounting for Company Financial Strength and Environmental Performance

Industry commented that a risk-based approach should be applied to financial securities that account for historical performance, corporate financial and technical capacity, and environmental compliance. This would enable regulators to allocate oversight resources more effectively, focusing on higher-risk operators and operations while recognizing and incentivizing responsible behavior.

Industry recommended that security tranches, which include phased financial payments as disturbance is created. Security tranches have been approved by CIRNAC and are currently in use. Tranches reduce the burden of closure security on projects of all sizes, have predictable outputs due

to scheduled payments which provide certainty for future financing, and recognize the effort to achieve closure and reduce security requirements.

As an example, in the NWT security can be paid in phases or installments as mine development progresses. Each phase is based on pre-defined milestones (e.g., initial deposit for construction, an increase prior to mining, another increase prior to milling)(Mackenzie Valley Land and Water Board, Sahtu Land and Water Board, Gwich'in Land and Water Board, Wek'èezhìi Land and Water Board, GNWT and CIRNAC 2022).

Recommendation: *The policy review should consider discounting based on a company's financial strength and environmental performance, including security tranches.*

2.3 Addressing Future Value Calculation

Industry commented that RECLAIM V8 should provide a clear rationale for adopting a single pre-determined inflation factor and consider developing an alternative approach that utilizes inflation rates most appropriate to the specific work and costs within the closure cost estimate.

In B.C., discount rates apply for two scenarios:

- Mine sites with an undiscounted RLCE <\$50M:
 - Years 1 to 5: 1.5%
 - Years 6 to 30: 2.0%
 - Years 31 to 100: 3.0%
- Mine sites with an undiscounted RLCE >\$50M:
 - Years 1 to 100: 4.0%.⁵

For both scenarios, discount rates may only be applied to long-term costs (i.e., source controls and treatment, site staffing, site maintenance and site monitoring and reporting). Discount rates cannot be applied to reclamation activities that occur shortly after mine closure (i.e., infrastructure removal, site remediation and conventional reclamation). Discount rates are reviewed during the review of the 5 Year Mine Plan and Reclamation Program updates.

Recommendation: *The policy review should consider discount rates that are most appropriate to specific reclamation work or cost categories.*

2.4 Acceptable Financial Instruments for Reclamation Securities

Industry commented that the acceptance of surety bonds would reduce costs and liquidity burden for all developers/producers. As an example, these bonds are permitted under the *Nunavut Waters and Surface Rights Tribunal Act*, but currently no mines or exploration projects in Nunavut have surety bonds in place as part of their reclamation security.

⁵ The 4.0% discount rate cannot be applied to reduce the RLCE below \$50M after the inclusion of contingencies.

Under the 2002 Policy, financial security for new mine reclamation must be readily convertible to cash and must have the following basic criteria:

- Subject to applicable legislation and due process, it must provide the Crown with immediate, unconditional, unencumbered access to the full amount of the security.
- It must retain its full value throughout the life of mine and if applicable, beyond.
- It must remain beyond the control of the mining company, or its creditors in the event of insolvency.

The 2002 Policy allows for new or innovative forms of security, such as reclamation trusts, to be considered provided they meet the above criteria.

The GNWT accepts cash, irrevocable letters of credit and surety bonds (GNWT 2024). Acceptable financial instruments in other Canadian jurisdictions include cash, cash equivalents, surety bonds, qualified environmental trusts, and irrevocable letters of credit.

B.C. considers other financial instruments where they:

- Offer equivalent or better safeguards to the taxpayer;
- Can be realized immediately in the event of bankruptcy;
- Can be realized without potential contest by other creditors in the event of a bankruptcy; and
- Do not put an onus on government to prove a claim to the funds in question.

Recommendation: *The policy review should consider other financial instruments, such as surety bonds, that are acceptable in NWT and other Canadian jurisdictions.*

2.5 Reviewing Interim Care Maintenance (ICM) Costing

Industry commented that the current amounts calculated under ICM are inappropriate. For example, estimates for the Final Closure and Reclamation Plan and the Human Health and Ecological Risk Assessment are overly high and the government proposed default duration and inflation of ICM costs is not accepted as appropriate.

Recommendation: *The policy review should review the amounts calculated under ICM.*

2.6 Recognizing Asset Value

Industry commented that more clarity is needed on how RECLAIM costs are to adhere to site closure objectives. Closure and reclamation plans include the assumption that, where possible, equipment and infrastructure will be removed from site for future use or salvage. Under RECLAIM, salvage or sale of equipment is not recognized on the basis that there may be legal uncertainty related to creditors right's, sale of equipment and uncertainty as to the actual value at the time of insolvency.

As part of mine closure there should be opportunities for community engagement on infrastructure (e.g., road, ports, airstrips) that could be left in place and the use of mobile equipment. The value of infrastructure that remains in place or re-deploying equipment should be considered in reclamation costing.

Recommendation: *The policy review should consider offsetting the value of assets that remain or are used elsewhere in Nunavut or NWT.*

2.7 Incentivizing Progressive Reclamation

Existing operators commented on the importance of recognizing progressive reclamation in an update to the policy. Industry commented that mechanisms to incentivize progressive reclamation during operations should be considered, such as partial release or reallocation of securities to fund reclamation efforts. Such measures would enhance operational efficiency, reduce the financial burden of increasing securities and encourage operators to proactively incorporate reclamation into their operational plans. Practically speaking, industry's experience is that it is very difficult for funds to be released back crediting progressive reclamation, and the mechanisms should be improved (see Section 2.8 for NWT current policy regarding security refunds).

The GNWT's 2017 RECLAIM 7.0 User Manual and B.C.'s Interim Policy both state that progressive reclamation is incentivized by companies completing the necessary reclamation work during operations as using their own equipment and personnel as the cost of completing this work is lower than the contractor rates that are used to calculate the required reclamation security. Operators may seek partial release of the security based on achievement of interim reclamation milestones.

At the discretion of B.C. mines inspectors, *Mines Act* permits can include conditions that promote progressive reclamation and reduce ongoing environmental liability. This could include a timeline for reclaiming specific project features (Ministry of Energy, Mines and Petroleum Resources 2021).

Under Alberta's MSFP, targets for progressive reclamation activities are set through closure planning processes and used as a mechanism for tracking the requirement for an ORD. As noted in Section 2.1, ORDs address the risks posed by an operating mine deferring reclamation. An approval holder must post financial security when they do not reduce liability according to a reclamation plan approved by the Alberta Energy Regulator.

Recommendation: *The policy review should consider ways to incentivize progressive reclamation, such as allowing for the partial release or reallocation of securities based on work completed that has reduced reclamation and closure liabilities at a mine site.*

2.8 Estimating Performance Holdbacks and Returning Securities

Industry commented there needs to be certainty as to how performance holdbacks are calculated and how holdbacks are released. Relinquishment schedules could be established within the closure reclamation process.

As an example, in the NWT, performance holdbacks are not refunded until it can be demonstrated that performance-based closure objectives and criteria have been met. Evaluating performance uncertainty is done on a case-by-case basis as closure activities are completed based on:

- A percentage of the direct cost items and detailed evaluation of indirect costs for closure activities that have performance uncertainty.
- A detailed evaluation of all applicable direct and indirect costs to address the performance uncertainty associated with the closure activity for which a refund is sought.
- A detailed evaluation of all applicable direct and indirect costs to address the performance uncertainty associated with the closure activity for which a refund is sought (as per the bullet above), with a factor applied to reflect the likelihood of the closure activity not performing as planned and the consequence of such an occurrence.

An alternate method to estimating holdbacks can be proposed by the operator. Security returns are evaluated on a case-by-case basis (Land and Water Boards of the Mackenzie Valley, GNWT and CIRNAC 2022).

In the NWT, security refunds can be requested during any phase of a project when closure activities have been completed. The process for considering a security refund request is the same as for any security adjustment. The documentation that must be submitted to support a security refund request is the same final or progressive reclamation (see Mackenzie Valley Land and Water Board, Sahtu Land and Water Board, Gwich'in Land and Water Board, Wek'èezhì Land and Water Board, GNWT and CIRNAC 2022).

Recommendation: *The policy review should consider approaches for calculating security holdbacks and a phased and transparent process to return securities in a timely fashion.*

2.9 Implementing RECLAIM Updates

Given the significant financial and practical impacts associated with the current iteration of RECLAIM V8, industry commented that approved NWT and Nunavut projects should follow RECLAIM 7.0, unless the operator consents to the application of RECLAIM V8.

RECLAIM V8 reflects changes beyond unit rate adjustments which could adversely impact existing operators. Indigenous governments and organizations, land and water boards and the Department of Fisheries and Oceans have indicated the importance of RECLAIM in their decision making.

Application of RECLAIM V8 in its current iteration would significantly change the finances of many

NWT and Nunavut projects, and had operators of current projects been aware of this approach this could have led to them to making the decision to proceed with their approved projects differently or in some cases to not proceed at all.

As proposed, RECLAIM V8 could shake investor confidence in the regulatory system - the fact that security requirements could potentially change after a company makes a significant investment decision could create a chill on future business decisions. Allocations that have been negotiated and are currently provisioned for within existing security held should be maintained unless clear justification for an update is required.

Recommendation: *The policy review should be completed before the RECLAIM update is complete.*

SECTION 3. SUMMARY

The Chamber is seeking a robust review of the 2002 Policy, including engagement with Indigenous groups, co-management boards, industry and the public before an update to RECLAIM is complete. Given the time since devolution was completed in the NWT and will complete in Nunavut on April 1, 2027, it is essential that Northern reclamation policy be revisited. In light of the devolution process, it may be that separate policies in Nunavut and NWT are necessary. Once the applicable policies are updated, RECLAIM V8 could be updated accordingly and completed following a further engagement process.

CIRNAC's and GNWT's responses to comments on RECLAIM indicate a willingness to explore the ideas presented by the reviewers and appear to recognize that there are significant known and unknown consequences in proceeding on the basis of a policy that has not been updated in almost 25 years.

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