

Priority Project on  
Sustainable  
Resource  
Development

# Benefit Agreements in Canada's North

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A report prepared for the Northern Development Ministers Forum,  
highlighting Benefit Agreements in Canada's North, as submitted by  
participating jurisdictions within Canada.

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## INTRODUCTION

Resource companies across Canada are entering into various forms of 'benefit agreements,' or BAs, with communities located near company operations. The intent of these agreements is to: (1) secure long-term local support for exploration and commercial resource development; (2) mitigate any potentially negative environmental or socio-economic impacts the resource development might cause for communities; and to (3) facilitate the transfer of tangible benefits to the local region.

Many northern communities are among the most socioeconomically disadvantaged communities in the country. Major resource projects present opportunities for social and economic development in the North, but in order to maximize opportunities, communities must have the tools to meaningfully engage with proponents, participate in the regulatory process, and negotiate benefits. A lack of preparedness could undermine potential benefits.

The number of benefit agreements appears to be growing, and they appear to be growing in scope as well, evolving into social, economic and community development tools. BAs are often bilateral in nature, between the resource developer and the community (whether it be an Aboriginal government, regional organization, or municipality). For other levels of government, the advent of such agreements raises various policy questions, including whether governments should redefine their role in stimulating and supporting the wide distribution of benefits for its residents from such developments.

It was in this context that senior officials of the Northern Development Ministers Forum (NDMF) undertook this project in 2013.

This project reflects on over 250 publicly-known BAs, largely drawn from the northern regions of Canada. In the context of the NDMF, this includes all three territories and the northern sections of seven provinces. This report seeks to identify trends in the evolution of such BAs, based upon their location, the resources being developed, the number of agreements, and the types of benefits they address. The project focused on creating a baseline inventory to add to existing knowledge and to help identify additional details of such agreements across Canada that are in the public domain (Appendix A).

In addition, this report includes information about how the governments of some jurisdictions use public policy and programs to require, or encourage, positive impacts for northern communities from resource development. Some governments enter into BAs or similar

arrangements as signatories, or require them of other parties; other governments do not get directly involved, though they may encourage arrangements among communities and industry. To provide context, this report outlines the scope of governments' endeavors to leverage local benefits, and includes those BAs where governments are signatories (Appendix B).

The information on government approaches was not gathered specifically for this NDMF report; rather, it was derived from complementary research led by one jurisdiction for its own use. The information was gathered from a literature review on-line, supplemented by direct input from Alberta, Québec, Ontario, Northwest Territories, Yukon, Manitoba and Saskatchewan.

There was also an interest, at the outset, in exploring the successes and challenges of implementing industry-community agreements, to assess the ramifications of these agreements for public policy, and to produce a summary of best practices and lessons learned. The research associated with this subject demonstrates that northern communities are increasingly negotiating benefits from resource developments. However, many of the details of industry-community agreements are not public, so more time and resources would be needed to research in more depth the successes and challenges of BAs.

This report is intended to promote further discussion and research on the subject. Possible future initiatives are outlined at the conclusion of the report.

## METHODOLOGY

Much of this report was developed through dialogue with, and information provided by, a Project Working Group of senior officials, regarding benefit agreements in their specific jurisdictions. This dialogue was supported by a review of literature and best practices which detailed BAs and similar arrangements across Canada.

Information sources included:

1. Primary sources: surveys with resource companies actively involved in development of agreements, and dialogue with senior public officials with development responsibilities possibly affected by such agreements; and
2. Literature reviews: existing public information and data sources such as news releases and academic research (Appendix C).

Research began with two sources: the Natural Resources Canada map entitled *Agreements Between Mining Companies and Aboriginal Communities or Governments* (Natural Resources Canada, 2012); and the IBA Research Network website (IBA Research Network). These resources, although providing lists of agreements, did not contain much detail about the agreements themselves. To gather more detailed information on each BA for a trend analysis, secondary sources were searched for general content or attributes of agreements. Agreement parameters were compiled into a matrix including the: project associated with the agreement; resource being developed; name given to the agreement; province or territory the agreement occurred in; current status of the agreement; year the agreement was signed, signatories to the agreement, and the general attributes of each of the agreements (Appendix A). The general attributes of each agreement were then classified as follows:

Attributes	Can Include	Example Clauses
<b>Economic</b>	<ul style="list-style-type: none"> <li>revenue sharing, royalty payments, one-time payments</li> </ul>	<ul style="list-style-type: none"> <li>fixed monetary payouts, variable monetary payments and suspension payments</li> <li>joint venture and development funds</li> <li>payout structuring to meet community needs, i.e. not a lump sum</li> </ul>
<b>Employment</b>	<ul style="list-style-type: none"> <li>employment clauses related directly to the project, or arising as a result of the project</li> </ul>	<ul style="list-style-type: none"> <li>preferential hiring for Aboriginal people</li> <li>recruit and retain employees for long-term work</li> <li>flexible schedule to accommodate</li> </ul>

		traditional activities such as hunting
<b>Training/ Education</b>	<ul style="list-style-type: none"> <li>job-specific training (non-transferable skills), industry specific (transferable skills), general education (upgrading, high school support), post-secondary (scholarships, bursaries)</li> </ul>	<ul style="list-style-type: none"> <li>cross-cultural training for both Aboriginal and non-Aboriginal employees</li> <li>apprenticeship and scholarship programs</li> <li>partnership with local schools and community colleges</li> </ul>
<b>Community Development</b>	<ul style="list-style-type: none"> <li>community-based or social obligations (i.e. youth facilities, community event)</li> </ul>	<ul style="list-style-type: none"> <li>monitor social impacts with developed indicators</li> <li>fund community projects and physical infrastructure</li> <li>committee meeting to liaise and facilitate ongoing communication</li> </ul>
<b>Partnerships</b>	<ul style="list-style-type: none"> <li>joint ventures or limited partnerships in development of resource, shares in development; also included is whether a manager or liaison for the agreement has been identified</li> </ul>	<ul style="list-style-type: none"> <li>percentage ownership in the development</li> <li>option to purchase shares at a set price</li> </ul>
<b>Goods and Services Contract Opportunities</b>	<ul style="list-style-type: none"> <li>business opportunities other than direct jobs or direct shareholding or ownership, either as a direct supplier of goods or services or joint venture or subcontractor for goods and services under larger umbrella companies (i.e. catering, janitorial, security, housekeeping, heavy machinery)</li> </ul>	<ul style="list-style-type: none"> <li>direct tendering to Aboriginal communities</li> <li>unbundling contracts into simpler, smaller components that are more achievable for smaller businesses</li> </ul>
<b>Environment</b>	<ul style="list-style-type: none"> <li>direct monitoring or community involvement in environmental matters, funding for community based monitoring</li> </ul>	<ul style="list-style-type: none"> <li>emphasis to give certain environmental assessment clauses particular attention</li> <li>obligations regarding abandonment and reclamation</li> <li>minimize activity in spiritually and culturally sacred areas, such as archaeologically significant sites</li> </ul>

<p><b>Duty to Consult / Engagement</b></p>	<ul style="list-style-type: none"> <li>• whether the arrangement was part of Duty to Consult processes, or whether the BA was a result of a required accommodation (or could be deemed as accommodation)</li> </ul>	<ul style="list-style-type: none"> <li>• inclusion of traditional knowledge</li> <li>• any open or public information session held and its outcomes can be used to inform the Crown’s Duty to Consult process or to share information about the activities of the developer</li> </ul>
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This matrix was disseminated to NDMF jurisdictions for review and additions, based on their regional knowledge. Participating jurisdictions included: Yukon, Northwest Territories, Nunavut, Alberta, Saskatchewan, Manitoba, Ontario, Québec, and Newfoundland and Labrador. Limited discussions were held with select representatives of the resource industries. Once these updates were combined, this data was then analyzed for trends over time, differences in jurisdictions, and differences in resources types and attributes, based on the information available.

**Limitations of This Analysis**

Full details were available on very few of the BAs studied. This factor has limited the depth of information gathered for analysis. Much of the data contained within this report has been gathered through literature searches of existing reports and journals, and internet searches of news releases and any public releases of signed agreements. While the research has been thorough, and reviewed by each jurisdiction, there are gaps in information. Such gaps can be attributed to the confidential nature of these agreements, and signatories’ interest in retaining competitive advantages. As well, when companies merge, public data such as news releases are often no longer readily accessible. As such, this report should not be considered a fully comprehensive list of the BAs in Canada.

Although BAs are negotiated throughout Canada, including in areas outside of ‘northern’ regions, they have been studied more in some jurisdictions than others. Much of the existing literature is about approaches being taken in Canada’s three territories. Generalizations made in this literature may not hold true in provinces where natural resource development and Aboriginal issues are framed in different political and legal contexts.

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## BENEFIT AGREEMENTS IN CANADA

### Purpose of Benefit Agreements

Whether approached on a voluntary basis or as a result of legal obligation, benefit agreements are becoming more commonplace and are increasingly seen by mineral, petroleum, hydro-electric or other resource developers as a necessary step in the development of their projects. They may outline some of the impacts associated with the development and stipulate the benefits the signatories will receive. From the perspective of communities – whether they are Aboriginal bodies or municipalities - BAs are a means to improve social, economic and community development.

Most project developers view benefit agreements as a method to garner local support for their projects. The social acceptability of a project is becoming increasingly important for resource developers, as most must raise significant capital investment on international markets. As well, where local support for a project does not exist, the development could be delayed or even stalled. Proponents are now taking measures to ensure there are few or no delays in their planned developments. This gathering of support by the local community for the company's project (or "social license") can be seen as a new type of approval prior to development. In many cases, it is not a legal requirement, but, nonetheless, is seen as a necessary step. In many cases, BAs are frequently the outcome of this process to garner a social license.

Some BAs are simple letters of intent (LOIs) or memorandums of understanding (MOUs) that outline the desire of both parties to open channels of dialogue; they may lead to more complex agreements later between the parties, but not necessarily. They might simply set out a communication strategy or information-sharing protocol, or terms of the relationship between parties.

At the other end of the spectrum, are BAs that are very detailed, outlining compensation for planned development activities that might have an impact on the local communities. These agreements can cover a broad range of topics, from royalty payments and shareholder status to community investments and business developments. Detailed agreements that outline definite benefits for a community from a long-term project have commonly been called Impact Benefit Agreements, or IBAs, but, today, their labeling is more diverse.

Such agreements are now known by a number of different names, depending on the intent of the signatories: participation agreement, socio-economic agreement, collaboration agreement, and more. While the most common name given to these types of agreements is 'Impact



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Benefit Agreement' (IBAs), the term tends to imply specific benefits with monetary value, such as training and employment, or business contracts. The term 'IBA' is less suitable for describing, for instance, a Memorandum of Understanding (MOU) which sets out an agreement-in-principle for two parties to work together and to communicate in good faith. As this report addresses all of these types of agreements (MOU, IBA and others) it uses the term "BA", or "Benefit Agreement", to refer to the broad range of arrangements.

Just as there is concern with accurately labeling the specific type of agreement that exists, there is often debate, as well, as to what the most appropriate (encompassing) term should be to describe the local signatories to such agreements. For example, BAs are often signed by First Nations, Inuit or Métis communities, or by their regional bodies; in Nunavut, regional Inuit organizations represent the settlements. BAs might be tied specifically to the rights of any of these groups. However, municipalities are also seeking, and in some cases signing, benefit agreements, as well. To reflect the broad array of local signatories to such agreements, this report uses the broad term "communities" when referring to any of these local interests.

The Mining Association of Canada reports some 200 such agreements negotiated by its members and the use of these types of agreements is growing in popularity and scope (Mining Association of Canada). Early agreements tended to focus on monetary payments or compensation for impacts that might occur during the life of the project. However, more recent agreements tend to look beyond the life of the project and focus on the long-term environmental, social and economic well-being of the community. Proponents are now starting to invest in the community well-being as part of the agreement. These can be as simple as sponsoring and participating in cultural activities, to investing in community infrastructure (e.g., cell towers, fire halls and recreational facilities).

It is difficult to classify BAs by type or content since they are often confidential in nature and are typically negotiated in confidence for many reasons: proponents might want to protect a market advantage, while communities might desire to keep their terms confidential from governments or neighbouring communities which might be negotiating similar agreements. Regardless, it is possible to identify some trends in the BAs through the summaries and news releases issued by signatories, and in some cases by reviewing an agreement that has been made public.

BAs are often bilateral in nature, between communities and resource developers, with federal, provincial and territorial governments playing little to no role in their development. In a few areas, BA-type arrangements are mandated by a government (both the Crown and Aboriginal),

or initiated by a Crown corporation, such as is required under the land claim agreements in Nunavut and in Newfoundland and Labrador. In many cases, the government is not privy to the contents of the agreements and there are no requirements to report to government that an agreement exists at all. In other jurisdictions, such agreements and arrangements are taken into consideration by government when assessing consultation and accommodation, such as under the new Mining Act in Ontario. There are also new approaches being taken to make BAs more transparent, perhaps through legislation or in some cases direct release by the parties involved.

### Regulatory Framework of Canada, Provinces and Territories

Despite socio-economic improvements over the last couple of decades, the populations in most northern regions of Canada continue to face economic challenges. Many have not gained much ground towards achieving provincial and Canadian averages in employment and incomes. (CFN, 2011) Resource sector developments often offer the most accessible employment and business opportunities for local people in northern regions.

To promote such opportunities, governments across Canada have implemented a number of different approaches. One approach involves the striking of socio-economic agreements between **government and industry** around proposed resource developments. This type of 'contract' approach has been used in relation to mining developments since the 1970s in northern Saskatchewan, Northwest Territories, Nunavut, Ontario, Yukon, and Newfoundland and Labrador. The format of these contracts is different in each jurisdiction, but the content is similar in that all address employment, training and contracting opportunities, as well as reporting obligations.

Since the mid-1980s, several major changes have occurred in various northern jurisdictions' policy frameworks that have had significant impact on how the socio-economic aspects of resource sector developments have been dealt with:

1. Jurisdictions began finalizing policies and procedures describing the Crown's Duty to Consult and Accommodate Aboriginal groups when developments, like mining, have the potential to negatively affect traditional lands. Some governments encourage mine operations to negotiate BAs with nearby First Nations as a means of encouraging harmonious development, and possibly contributing to the fulfillment of the procedural

aspects of the Crown's Duty, but it is important to remember that such arrangements do not necessarily signify that the Duty has been fulfilled.

2. Another significant event has been the devolution of responsibilities to territorial, First Nations and Inuit governments through modern treaties. These modern treaties establish broad strategies (and in some cases legal obligations) to share benefits and to mitigate negative social, economic and cultural impacts related to development. In the James Bay region of **Québec**, a complex and growing array of agreements are in place, which provide for expanded responsibilities for the local population in owning and managing lands and resources. In **Northwest Territories (NWT), Yukon, Nunavut, and Newfoundland and Labrador**, regional Aboriginal authorities have surface and subsurface rights in large areas of land. In Nunavut and in Newfoundland and Labrador, land claim agreements may require major development proponents to negotiate benefit agreements with the Aboriginal signatories. In the NWT, the lands and resources are co-managed collaboratively among Aboriginal, federal and territorial government bodies; BAs are commonly expected by Aboriginal groups, but not absolutely required. In Yukon, the 11 self-governing First Nations have specific resource management responsibilities identified in their Final Agreements.
3. There has been an increase in the variety of formal government programs that promote local benefits from resource sector developments. **Saskatchewan** continues to require a socio-economic agreement for major mining projects on northern Crown lands, tied to the issuance of a long-term surface lease. **Newfoundland and Labrador** has a clearly articulated local benefits policy for developments, delivered through government-industry benefit agreements. Other approaches are in place in **Nunavut and Yukon** where resource developers have the option of striking an agreement (or plan) with government that provides them with a financial reward for providing community benefits. In the oil and gas sector in **Yukon, NWT, Nunavut, the Arctic shore regions, and Newfoundland and Labrador**, oil and gas proponents are required by federal legislation to develop benefit agreements or plans to maximize opportunities for Northerners or regional populations. In fact, the federal government now is expanding this requirement to encompass projects in the full cycle of oil and gas activities. The Government of **Yukon** has established a multi-jurisdictional development approval process that focuses on socio-economic impacts as well as environmental impacts and ensures local participation. In **British Columbia** (an area of few Treaties), the Province negotiates agreements with First Nations to share local resource revenues.

4. A fourth development is the growing acceptance by the resource industry to voluntarily provide local benefits and to build relationships with communities near their operations. BAs are now commonly associated with developments in the resource sectors, including hydro developments (such as is the case, for instance, in Manitoba), and voluntarily implemented by the companies as a means of demonstrating corporate social responsibility.

Set against the government frameworks outlined in the first three points, these **industry-community BAs** represent a relatively new platform for the provision of socio-economic benefits. Because of their relative newness, there is no clear knowledge if the community will benefit in the long-term (Hitch, 2007). As well, not all jurisdictions require resource developers to negotiate BAs, so there is no standardized structure or process across Canada, and participating parties having little knowledge of the key terms and conditions in BAs for neighbouring projects. The Conference Board of Canada, in its very recent report - *The Future of Mining in Canada's North*, suggests that for communities to better understand which types of opportunities and challenges mining projects might provide, a key solution might be to have more transparent BAs (CFN, 2013). This would allow communities to draw on the experiences and agreements of others.

Nonetheless, governments can act as catalysts and facilitators through their policies and formal approaches/agreements in helping the private sector to optimize local economic benefits from their projects (Working Group on Aboriginal Participation in the Economy, 2001). The Centre for the North comments: "... mining companies cannot be expected to assume all the costs; governments need to step in and help....Significant efforts by mining companies and governments will be required to encourage more Aboriginal people and under-represented groups into available jobs. This will include efforts by the public and private sector to provide the required education and training to workers when needed" (CFN, 2013).

**Government approaches** can address gaps in a project's economic benefits distribution (whether or not BAs are in effect locally) by providing a framework for benefits on a more regional level from government-approved developments. They also can require reporting and monitoring that contributes to public accountability and transparency and allow for adjustments in programs along the way. The fact that private BAs are often confidential is a key challenge in determining their scope, their terms, and their effectiveness.

The approaches used by governments to address benefits for local communities from major resource development projects vary widely. Some jurisdictions take broad policy approaches

on regional or Aboriginal economic development through the jurisdiction's authority (whether federal, provincial, territorial, or in a Final Agreement with Aboriginal authorities), while others rely on more specific initiatives such as a royalty credit or fuel tax rebate or a training MOU.

Below is a brief description of each jurisdiction's key tools for promoting local benefits and engagement. A more comprehensive description and tables are attached in Appendix B.

**Alberta:** Currently, the Alberta government does not engage in socio-economic agreements/plans with resource development proponents directly, nor does it require industry proponents to develop BAs with First Nations' communities. While BAs in Alberta are voluntary (and typically private) in nature, the province is moving toward disclosure of information contained within BAs and other agreements. This is now legislated through the *Aboriginal Consultation Levy Act*.

However, Alberta is the only province to legislate a Métis land base and governance system. Although the Province retains mineral rights, it will not provide those rights to a developer without proof of development agreements negotiated between the developer and Alberta's Métis Settlements. These agreements can include employment and contracting opportunities, equity participation and an overriding royalty in addition to provincial royalties.

**British Columbia:** British Columbia, a province with relatively few treaties or finalized land claims with its First Nations, is the first province to share direct revenue generated from mining with First Nations.

**Manitoba:** Provincial efforts in providing regional and local socio-economic benefits have been primarily through settlement agreements to compensate for adverse effects of developments in the North by Manitoba Hydro, which is both the proponent and a Crown corporation.

Furthermore, in 2007, the Northern Manitoba Sector Council was established to address recruitment, training and retention in the resource sector, particularly for Aboriginal people. The Manitoba government has an Aboriginal procurement policy.

Through its consultation protocol, Manitoba encourages BAs with First Nations and Métis groups affected by mines, but it does not require them. It is expected that developers will engage Aboriginal communities, and avoid or mitigate adverse effects on their exercise of their Aboriginal or Treaty rights.

**Newfoundland and Labrador:** The longstanding “principle of adjacency” has been expanded from the fishing industry to include other resource and energy projects in the Province. The principle holds that priority access should be given to those who are closest to the resource.

Newfoundland and Labrador in its Energy Plan, *Focusing our Energy*, committed to maximizing the benefits from the development of the Province’s natural resources (Government of Newfoundland and Labrador, 2007). Both Voisey’s Bay mine and Lower Churchill hydro project proponents support this benefits strategy. For Voisey’s Bay, for instance, an Industry and Employment Benefits Agreement provides priority of preference to BA holders, diversity groups, and residents of the province in construction and operations. It also requires reporting to government.

In the off-shore petroleum sector, the Province and Canada have required proponents to submit social and economic benefit plans since 1985, under the terms of the Atlantic Accord.

**Northwest Territories:** NWT has had clearly articulated local benefits policies in place since 1981 for developments, delivered through government-industry socio-economic agreements required under the government’s project approval authority. These agreements require reporting from both Parties. While the NWT does not require companies to negotiate BAs with communities or Aboriginal groups, such BAs can be prompted by land claims agreements. Some regional authorities have the power to require BAs through land claims (the Final Agreements). In such cases, the government does not play any role in such BAs.

**Nunavut:** Nunavut has a development partnership policy that promotes maximum socio-economic benefits for Nunavut residents from large scale resource and infrastructure projects. Proponents have the option of entering into a Development Partnership Agreement, one of the requirements to then earn a fuel tax rebate. In Nunavut, as well, some regional authorities have the power to require BAs through the Nunavut Land Claim Agreement.

**Ontario:** Ontario currently does not regulate nor require socio-economic agreements in the extractive sector. However, the newly-amended Mining Act encourages mineral exploration companies to build positive relationships with local First Nations early on. Ontario’s Director of Exploration may take arrangements between Aboriginal communities and project proponents into consideration when assessing the adequacy of Aboriginal community consultation and also when issuing permits. At the mine development stage, Ontario requires that project proponents include information with regard to arrangements or efforts to reach an arrangement.

**Québec:** Québec has a number of modern, complex land claims agreements and socio-economic agreements in place that created Aboriginal/Northern governance authorities. These authorities are involved in benefit sharing and resource management and some also negotiate BAs with major projects.

Although the Government of Québec recognizes that BAs between industry and Aboriginal groups are contributing to a more harmonious development of the communities involved, some questions remain regarding the conciliation of the expectations of the industry, the Aboriginal groups, the government and the promoters.

**Saskatchewan:** For more than 25 years, the Government of Saskatchewan has encouraged mining companies operating in the northern half of the province to use (and to regularly report on) their 'best efforts' to engage, train, hire and do business with northern residents and northern companies under two required agreements – a surface lease agreement and a training (human resource development) agreement. These agreements are contracts between the government and industry that must be signed before long-term land tenure is provided for mining on Crown land in the northern half of the province.

**Yukon:** Currently, the Government of Yukon does not require the mining sector to negotiate government-industry agreements for socio-economic benefits. However, after some federal authorities were devolved to Yukon, including local control over resource management, legislation was put in place that provides benefits to local populations from resource development. Oil and gas legislation requires government-industry benefits agreements, and mining legislation provides for royalty "credits" for companies that invest in communities. The regulatory regime established by the 11 Yukon Land Claims Agreements also calls for the potential mitigation of adverse impacts related to major resource development projects.

Yukon has provision for socio-economic benefits to Northerners for mining under its resource revenue sharing agreements and potential socio-economic impacts are assessed under *Yukon Environmental and Socio-economic Assessment Act* (YESAA).

**Canada:** The Federal government is expanding its requirements for oil and gas proponents to develop Canada Benefit Plans to maximize northern employment, procurement, and training for the full life-cycle of oil and gas activities in the far North.

**Comprehensive Land Claims or Final Agreements** in the far North (largely the territories) give First Nations and Inuit sufficient control over some areas to require a BA, or at least to be

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engaged in discussions, for any proposed development in that area. These Final Agreements (modern treaties) in Yukon, NWT, Nunavut, Labrador, British Columbia and Québec devolve many governing responsibilities (and ownership of some lands and resources) to local or regional First Nations or Inuit authorities.

### Consultation, Treaty and Aboriginal Rights

Mining takes place in all provinces and territories. In many regions of northern Canada, Aboriginal peoples have lived for generations in the same area and many maintain a strong tie to their traditional territory and culture. As such, local populations take great interest in any development activities in their traditional territories on several levels – cultural, economic and environmental. Revenues from resource development help governments fund infrastructure and services for the general population. However, from a northern resident's perspective, the revenue might be seen as leaving the area and not adequately supporting specific, high-profile local projects. Communities have started to demand more say in developments that occur in (or affect) their traditional territories, and more benefits from those developments. In some jurisdictions, communities have ownership of their lands and the resources and expect to receive direct income from exploitation of those resources in the form of royalties.

Given the growing popularity of BAs since the 1990s, as depicted in a later section of this report - "Trends over Time," any analysis should keep in mind that Section 35 of *The Constitution Act, 1982* states:

- *The existing aboriginal and treaty rights of the Aboriginal Peoples of Canada are hereby recognized and affirmed.*
- *In this Act, "Aboriginal Peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.*
- *For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.*
- *Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.*

The Supreme Court of Canada decisions in the Haida and Taku River cases in 2004, and the Mikisew Cree decision in 2005, found that the Crown has a Duty to Consult and, where appropriate, accommodate when the Crown contemplates conduct that might adversely impact potential or established Aboriginal or Treaty rights. The Duty stems from the Honour of the Crown and the Crown's unique relationship with Aboriginal peoples. Governments throughout



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Canada are deemed to trigger this Duty through their authority to approve resource developments.

Legal challenges have stalled and, at times, shut down developments when adversely impacted Aboriginal communities have argued that governments granted licenses or permits to developers without appropriate consultation. These court cases have influenced the landscape on which benefit agreements exist, and have fostered more focus on companies' "social licenses" to develop resource projects. Social license generally refers to a local community's acceptance or approval of a company's project or ongoing activities in an area. Greater recognition of Aboriginal and Treaty rights has led to an increased awareness of the need for community support for resource development projects. It is increasingly recognized by both industry and communities that social license is a prerequisite to development.

Many developers have found it prudent to start to engage local Aboriginal communities in the early stages of development. Although it is not a requirement for the Duty to Consult (which is held by the Crown), early engagement and some BA provisions promised by the developer *may* be relied upon to help fulfill the Crown's consultation and accommodation obligations. However, the usefulness of BAs to the Crown in fulfilling its Duty is unpredictable, given that the details of so many BAs are unknown to government: it is difficult for a government to rely on an agreement when it does not know the contents.

In regions of Canada where land claims have been settled, the Aboriginal community may own surface and subsurface rights to some areas within the land claim settlement area. Such ownership may allow the Aboriginal community to control if and how developments can proceed. Generally, the Aboriginal community will have developed a mineral leasing or permitting system for third parties that are interested in developing mineral reserves.

Developers often seek to engage in discussions with local communities, whether or not those communities hold or claim Aboriginal or Treaty rights; municipalities have also approached resource companies for a share of local benefits. Some development companies view BAs as a beneficial tool and are willing to negotiate them despite the absence of legal requirements to do so (O'Reilly, 1998). Such arrangements are seen as a good public relations practice and can help garner local support for a project, thus reducing the risk to the project and bolstering its social licence to proceed, two conditions that become increasingly essential to raising capital on international markets. In addition, when development is taking place in remote and isolated areas, these agreements can help to secure a labour force, as well as goods and services for the development at a reasonable cost.

### History in Canada

In the Canadian North, the first benefit agreement was signed in 1974 by the Department of Indian and Northern Affairs Canada and Mineral Resources International Ltd. (MRI) (MIHRC, 2012). The agreement, known as the Strathcona Agreement, was for the Nanisivik mine in the high Arctic, in what is now the territory of Nunavut (formerly a portion of the Northwest Territories when the agreement was signed). The Nanisivik mine was the first lead-zinc project above the Arctic Circle.

The intent of the Strathcona Agreement was to enable the government to provide financial assistance to MRI to help pilot a remote mining project for the region, and to provide Inuit employment and economic benefits. Federal funding supported construction of infrastructure (roads, an airstrip, a wharf and the town site). Although it did not include Aboriginal community signatories, the agreement is still seen as the first BA in Canada.

There was an effort to ensure that those affected by the mining project were well informed, with the federal government and MRI conducting 26 meetings with the Hamlet of Arctic Bay Council and the people of Arctic Bay, prior to project construction. One of the key sections in the agreement dealt with the employment of local residents at the mine. This was seen as a method to ensure local benefits from the development.

Based on the inventory in Appendix A, today, most agreements are typically negotiated between a mineral resource developer and an Aboriginal organization or northern community. The government typically has no formal role (although governmental bodies have been known to intervene in negotiations). BAs are commonly treated as private contracts between the signatories. For example, Article 26, part 9 of the *Nunavut Land Claims Agreement* states that BAs “may be enforced by either party in accordance with the common law of contract” (Nunavut Land Claim Agreement Act). Where there is no such legal provision, BAs may specify that they be applied in accordance with the law of contract.

However, it is inaccurate to characterize such agreements as purely private contracts, given their link to the regulation of development, such as when they are required by a government as a precondition for the granting of a license or permit. In such cases, the agreement is also a regulatory instrument. In Saskatchewan, for example, while benefit agreements are not mandatory, the provincial government has its own contract requirement tied to land tenure – the Mine Surface Lease Agreement (MSLA). It obligates mines on Crown land in the northern

half of the province to use (and to report on) their best efforts to provide socio-economic benefits to residents of the northern region. These include best efforts to recruit, train, hire and advance (in terms of promotion) northern residents, to encourage businesses to supply goods and services, and to undertake north-wide engagement, with a particular preference from the nearby communities. Yet, even in Saskatchewan, some private company-community BAs exist as developers seek to secure the strongest possible social license for their project, and to perhaps more narrowly focus project benefits to specific communities that are especially proximate to (or impacted by) by the development.

Communities appear to be utilizing the BA, and at an accelerated pace, as a tool to address general socio-economic issues within their communities and potential environmental impacts from resource developments that could occur on their traditional lands. These lands may have spiritual or cultural significance for the community, as well as being used for hunting, fishing and food gathering.

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## TRENDS OF BENEFIT AGREEMENTS IN CANADA

A survey of the various provincial and territorial jurisdictions found publicly available information on 276 industry arrangements in Canada (Appendix A).

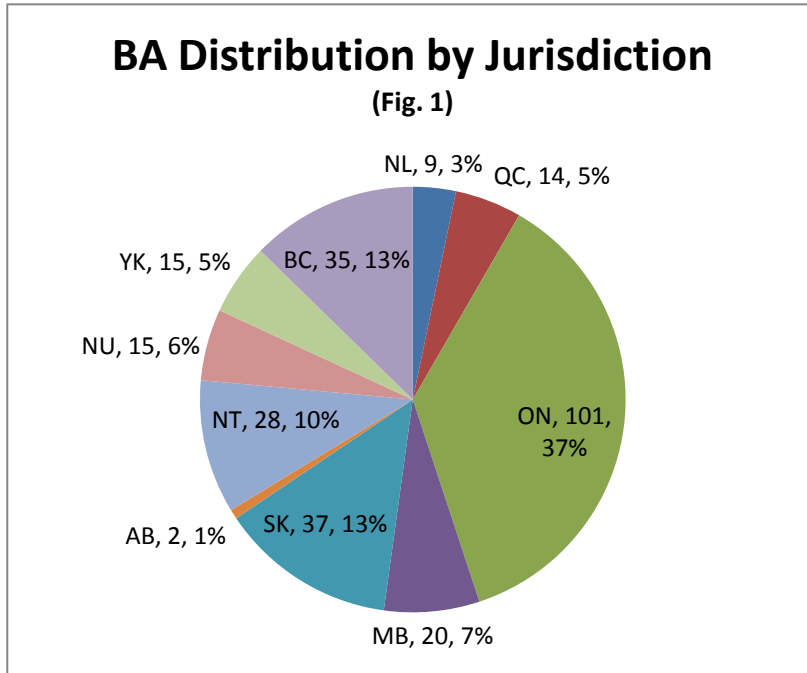
Often, the larger agreements are publicly announced in news releases by the community or the resource developer. The nature and the scope of the arrangements tend to dictate whether there is a public announcement. Often, an agreement is viewed as a “good news” story by all parties: it provides an opportunity for the company to publicly showcase its corporate social responsibility, and it is an opportunity for the community signatory to share information with their residents about the benefits negotiated.

The number of BAs does not represent the number of projects under development. One project might prompt several different BAs. In Manitoba, for instance, 13 community benefit agreements were signed with individual First Nations for a single, large road construction project.

### Trends by Jurisdictions

The number of publicly known agreements range from 2 in Alberta to 101 in Ontario, as shown Figure 1 below. As these statistics reflect only the number of BAs *known* - those with some sort of public profile – few inferences can be drawn as to whether resource project based BAs are more prevalent in one jurisdiction than another.

In most jurisdictions, there are no requirements for parties to report any agreements to the jurisdictional authority. This lack of public information may account for the wide range of BAs found or reported by each jurisdiction. In cases such as Alberta, much development is occurring in the area of oil and gas, where there are a great many proponents, but there are no legal requirements by the province to disclose any signed agreement. Consequently, these agreements might not be tracked or provincially recorded.



Jurisdiction, number and percentage of BAs

However, proposed new legislation in Alberta could begin to document and record these agreements, which would improve the knowledge of the BA landscape. Alberta’s *Aboriginal Consultation Levy Act* establishes a consultation levy fund to support Aboriginal participation in consultation, and permits the Alberta Minister of Aboriginal Relations to require proponents to disclose, to the Alberta government, their capacity funding agreements with Aboriginal groups (Government of Alberta). Not

all benefits would necessarily be categorized and disclosed as “capacity” funding, but it would add to the current knowledge of BAs.

If one were to consider the distribution of BAs by region, one can see that the Prairies and the Arctic territories have approximately the same number of BAs, yet these regions have very different legal frameworks, with the Prairies being largely covered by the older numbered Treaties while the Territories are involved in modern Treaties. Moreover, there is no obvious correlation between the number of the BAs and the number of First Nations in any given jurisdiction. Therefore, from the data collected, there is no discernible trend by jurisdiction.

**Trends over Time**

Of the 276 arrangements listed, negotiation dates were available for only 228 entries. Some of the arrangements were older in nature, so the public data was scarce, and in some instances, changes in ownership of a project over the years have obscured the date of the original agreement.

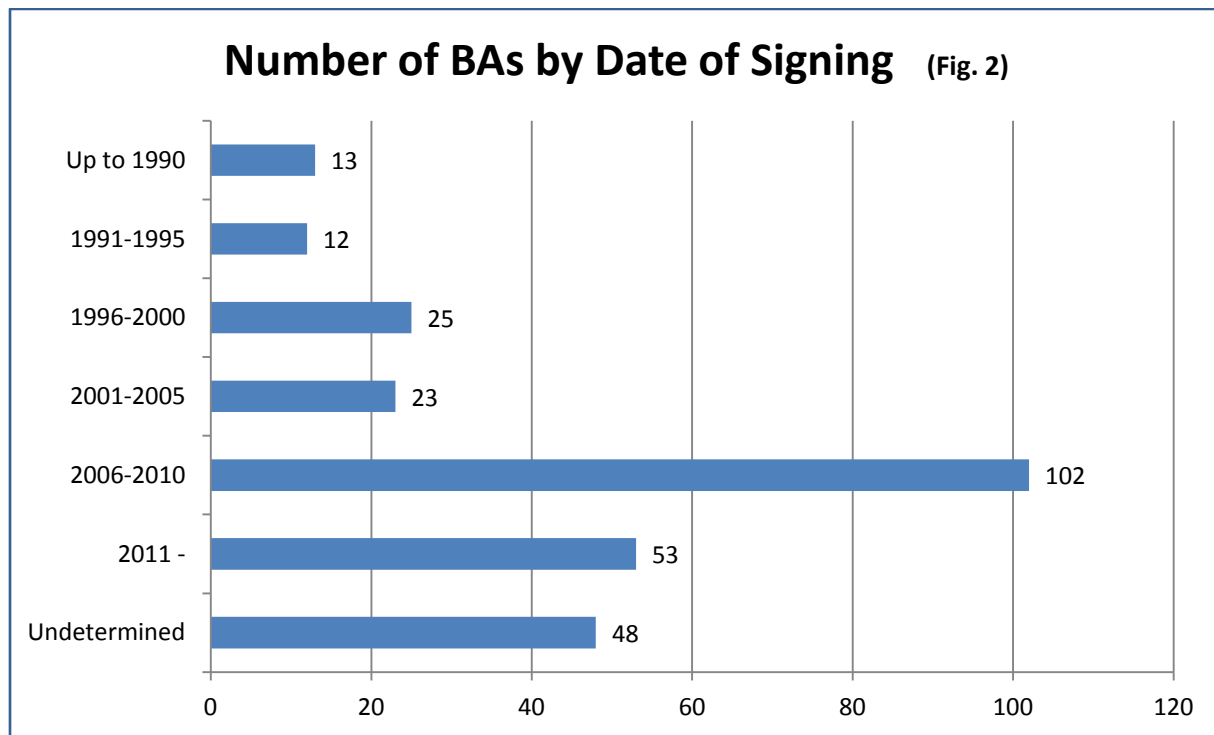


Figure 2 groups the known BA-type agreements into five-year intervals, by their dates of signing, and suggests a trend of accelerated negotiations, particularly over the past 10 years.

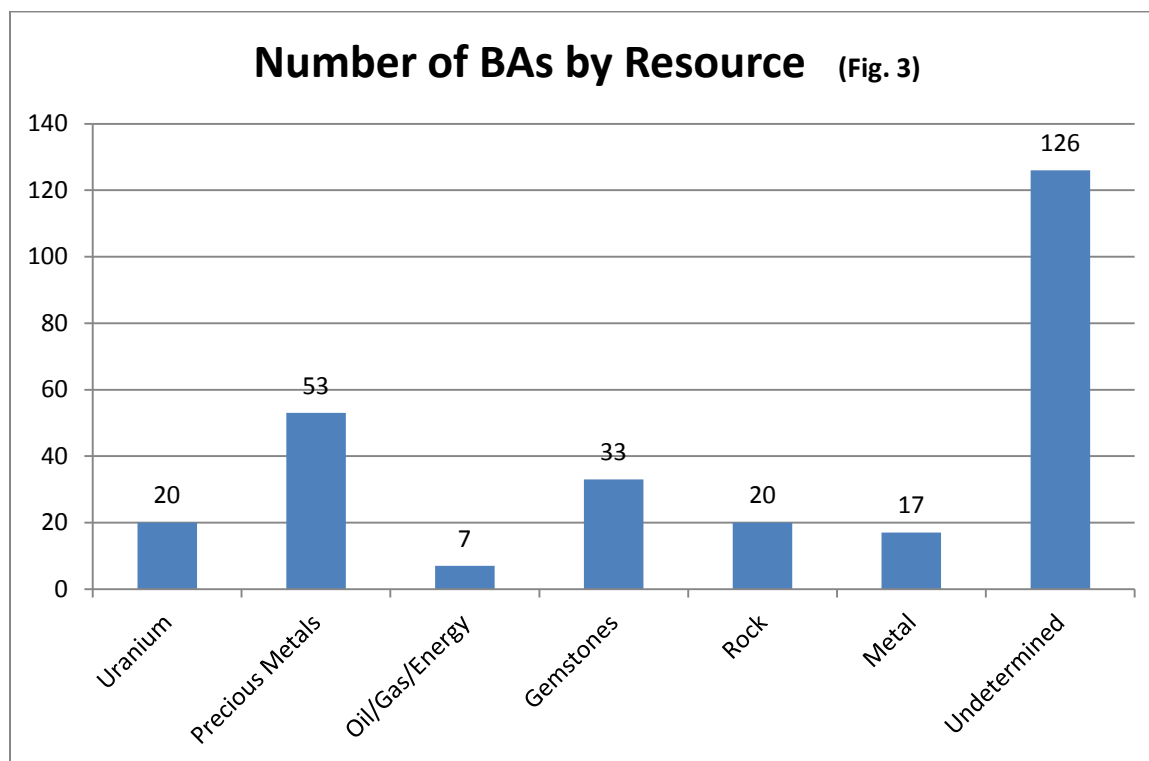
A noticeable increase in the number of BAs occurred in the late 1990s, and an even more dramatic increase occurred in the late 2000s, quadrupling the BAs signed from the previous five-year period. The most recent numbers, for 2011+, suggests this trend could be continuing, given only two years of measurement is being reported.

### Trends by Type of Resource

BAs have been negotiated with developers in a wide range of resource development fields across Canada. The resource field categories used for this report are:

- precious metals - includes gold, silver, copper, nickel and other valuable metals
- oil, coal, gas and energy development
- gemstones – includes diamonds, emeralds and other precious stones
- metals – includes aluminum, iron and other metals
- rock – includes gravel, limestone, and other such non-precious resources and agreements pertaining to construction
- uranium development

Data in Figure 3 suggest it is difficult to determine whether developers in one resource sector are more likely to pursue and make public BAs than those in another sector.



The specific type of mineral or energy resource under development was identified for only 150 of the 276 BAs listed. Gemstones and precious metals make up 22% and 35% respectively of the total BAs with a resource identified, while uranium makes up 13%. In some regions, BAs for resource commodities like gravel, sand and limestone are commonplace despite being lower value resource commodities. On the other hand, there appear to be few BAs in the oil/gas/energy sector, yet oil and gas revenues are very significant in many jurisdictions, with many companies exploring for and developing petroleum resources. It is quite possible many BAs could exist in this sector, but they are not discernible via the reporting examined in this report. A large number of BAs did not list a specific resource.

While more complete information might change the results, the information available for this report suggests that benefit agreements are not particularly tied to the type of resource under development or its value.

### Trends by Attribute

As difficult as it is to discover even some of the most basic details of BAs (such as the resource under development, or the date the agreement was signed), it is even more difficult to discover what subjects and issues the BAs address. However, this report is able to shed some light on the key contents (or attributes) for 142 of the listed publicly-known BAs. While more than half of these 142 agreements are from two jurisdictions, in all, 7 jurisdictions are represented in this sample. Exercising caution given the smaller sample size, some trends can still be discerned regarding the contents of BAs.

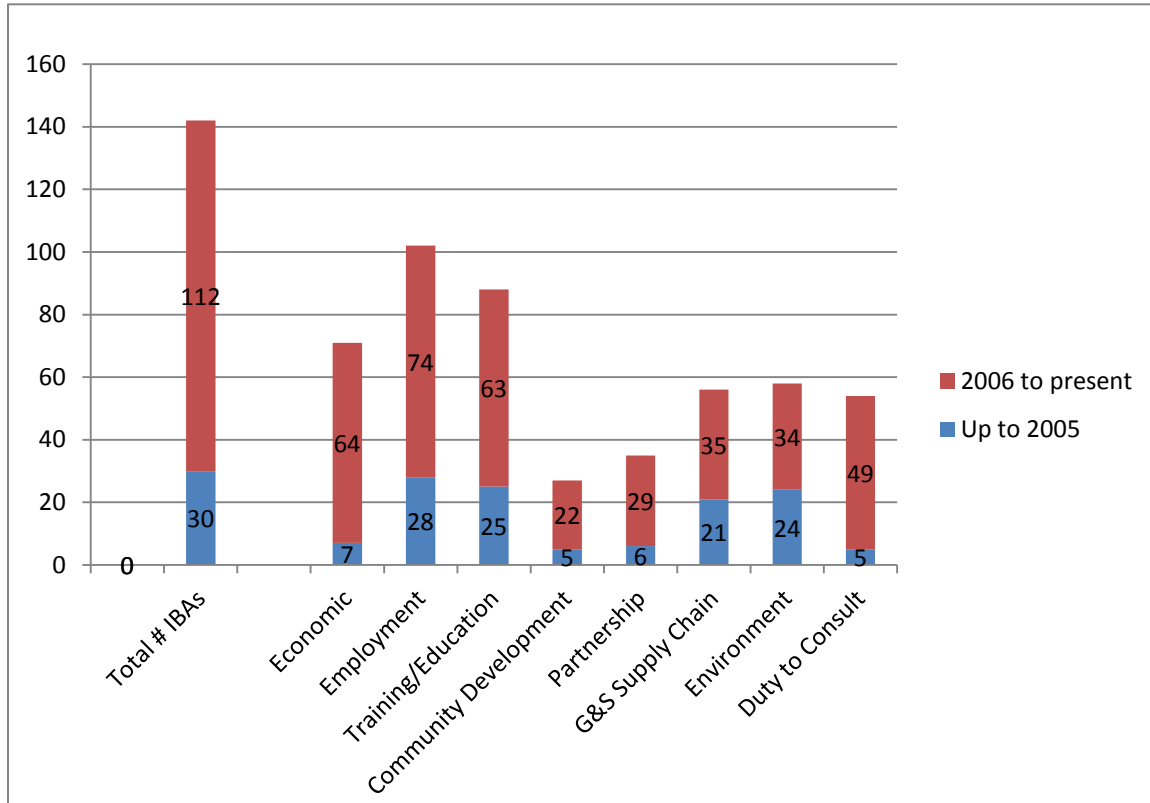
Figure 4 categorizes the 142 BAs by their attributes, as described on pages 5-6 of this report. Of 8 attributes reflected amongst the examined BAs, the most prevalent are Employment (102 out of 142), followed by Training/Education (88), and Economic (71) considerations.

The graph further reflects the extent to which pre 2005 BAs and BAs from 2006 onwards (an era of significant growth in the number of BAs, per Figure 2) address each of the given attributes.

Of the 30 BAs publicly reported up to 2005 and whose attributes were specified, their focus was commonly on Employment, Training/Education, Environment, and Goods & Services Supply Chain opportunities. Very few of these early agreements refer to Economic benefits (monetary payments), Community Development or Partnership opportunities, and none refer to the Duty to Consult. In terms of the evolution in the contents of those BAs reported on since 2005, the most notable change has been their greater address of Economic benefits, such as the sharing of royalties and direct payments.



**BAs by Attribute** (Fig. 4)



## CASE STUDIES

To help illustrate trends in industry-community BAs, this report also selects, for further analysis, three publicly known benefit agreements and one confidential (but highly-researched) agreement for four current operating mines. These cases were selected based on information available, their location, the resource being developed and the Aboriginal and Treaty rights framework in which these agreements were signed. Each of the following cases allows for comparison of the agreements and the legal environment in which they were signed:

- The Raglan Agreement (1995) - Northern Québec
- The Ekati Agreement(1998) – Northwest Territories
- Victor Diamond Mine Agreements (2005) – Northern Ontario
- The Pinehouse Collaboration Agreement (2012) - Northern Saskatchewan

### Raglan Agreement

The following analysis is from *The Aboriginal Mining Guide, Study #2* (Canadian Centre for Community Renewal in collaboration with Tr'ondek Hwech'in and Canadian Northern Economic Development Agency).

The Raglan Mine is a nickel/copper mine that lies in the Nunavik territory of northern Québec, about 1,800 km north of Montréal. Nunavik has approx 10,000 residents living in 14 communities. Raglan ore bodies were discovered in the 1930s and then acquired in the 1960s by Falconbridge Limited. At the time, the Inuit had little or no say in the way in which any mining project would proceed.

### **Aboriginal, Treaty and Legal Rights Framework and Environment**

In 1975, the James Bay and Northern Québec Agreement (JBNQA) outlined the economic and cultural rights of Aboriginal Peoples in Québec's North, and how these rights were to be protected, including the surface and sub-surface rights of the signatory groups. To administer and invest compensation payments made under the JBNQA, Makivik Corporation was established in 1978, made up of a Board of Directors elected by the Inuit residents of Nunavik.

Prior to developing the Raglan property, in 1992 Falconbridge started dialogue with Makivik and the local residents about development of the ore body. The Raglan Agreement was signed in 1995.

The Raglan Agreement was one of the first bilateral BAs in Canada solely between a mining company and the Aboriginal peoples that its mining would affect (Canadian Business for Social Responsibility, 2005). There had been BAs before, but government had always been a co-signatory.

The mineral licensing regime is governed by the province. The Government of Québec manages public mineral resources through a variety of legislation, regulations, policies and agreements.

### **Key Features**

- **Economic:**
  - Priority in contracts to competitive Inuit enterprises for work required during the mine's operating phase.
  - Compensation and profit-sharing payments to the benefit of Salluit, Kangiqsujaq and Nunavik region inhabitants. The package is estimated at \$60-\$100 million over the life of the project.
    - A Guaranteed First Allocation of \$10 million is to be paid over the first 15 years of the project (and continue thereafter at \$800,000 per year until the end of the project).
    - A Guaranteed Second Allocation of \$4,125,000 is to be paid over the first 15 years of the project (and continue thereafter at \$275,000 per year to the end of the project.)
    - A Profit Sharing Allocation is to commence in the sixth or seventh year of operation, and will pay the Aboriginal signatories 4.5% of Annual Operating Cash Flow.
    - Additional Payments of \$50,000 made to Makivik every year for ten years.
- **Employment:**
  - Priority in employment to qualified Inuit residing in Salluit and Kangiqsujaq, in the region as a whole, and to other Nunavik Inuit
- **Training/Education:**
  - A joint committee to oversee training programs
- **Community Development:**
  - No clauses exist that fall under this category
- **Partnership:**
  - A representative of Makivik appointed to the mine's Board of Directors.
- **Goods and Services Contract Opportunities:**
  - Priority in contracts to competitive Inuit enterprises for work required during the mine's operating phase

- **Environment:**
  - It establishes the Raglan Committee to oversee implementation of the agreement and to review any major environmental issues that may arise. The committee has one member from each of Salluit, Kangiqsujuaq, and Makivik, and three from Falconbridge.
  - It establishes procedures for monitoring the environment beyond regulatory requirements. The results of this monitoring are to be regularly reported to the Raglan Committee.
- **Duty to Consult/Engagement:**
  - No Duty to Consult clauses

Additional highlights of the agreement are:

- Detailed projections of the mine's development are to be submitted. Deviation from the mine's original specifications will trigger re-negotiation of the agreement.
- The mine's development may require relocation of Inuit camps and equipment. In that case, separate discussions are required to address the necessary compensation or remediation. The Aboriginal communities in the area may still claim compensation for damages caused by toxic substances that result from the mine operations.
- There is a dispute resolution process.

### **Analysis**

The Raglan Agreement is considered successful, especially in terms of financial compensation to the Inuit of the region. The mine employs approximately 300 employees and has established targets of approximately 20% of the total employees to be Inuit.

Meeting conditions of employment, however, has met some challenges. In 2006, employment levels were reported to vary from 15 to 18%. Although close to the target of 20% local employment, there have been other issues. Inuit employee turnover is high (70%) compared with non-Inuit employees (15%). Some of the issues contributing to the high turnover rate of the Inuit employees are the separation from family and isolation from the community. Many of the jobs occupied by Inuit are entry level positions and many of the Inuit feel that they are not promoted as quickly as the non-Inuit employees. One significant contributing factor could be that Nunavik education levels are two years lower than those of the south, resulting in employees lacking the base skills required for promotion or technical training.

There is a genuine and a strong desire from both parties to work cooperatively and to resolve issues as they arise. The Raglan Committee oversees all aspects of the agreement and

operation of the mine. The Inuit members report back all findings to their communities to ensure everyone is kept apprised of all issues. It is this commitment from all the parties that is seen as the successful aspect of the agreement. While the agreement is impressive and does help address local needs and issues, it is the partnership and effort made by the parties that are seen as particularly successful outcomes.

### Ekati Agreement

Ekati, originally owned and operated by BHP Billiton, is Canada's first diamond mine. It is located 310 km northeast of Yellowknife and about 200 km south of the Arctic Circle in the NWT. Ekati was discovered in 1991. The following analysis is from *The Aboriginal Mining Guide, Study #1* (Canadian Centre for Community Renewal).

In the case of Ekati, there were three types of agreements signed after construction of the mine had begun:

1. The *BHP Billiton Ekati Mine Project Environmental Agreement* (the Environmental Agreement) was signed by BHP Billiton, the Department of Indian Affairs and Northern Development (DIAND) and the Government of the Northwest Territories (GNWT) in January 1997. The Environmental Agreement is intended to ensure that BHP follows through with commitments made in its Environmental Impact Statement submitted in 1995.
2. The *BHP Billiton - Government of the Northwest Territories Socio-Economic Agreement* was signed by BHP Billiton and the GNWT in October 1996. It acknowledges the potential impact of the Ekati Mine Project on the economy of NWT and local communities. The objective of this socio-economic agreement is to promote the development and social, cultural and economic well-being of the residents of the NWT, with a particular preference for Aboriginal residents. Quotas were set for Northern Residents in employment and business.
3. BHP Billiton signed four IBAs for the Ekati Mine Project in 1998 with regional Aboriginal communities: (1) the Dogrib Treaty 11 Council (now the Tlicho Government), (2) the Akaitcho Treaty 8, (3) the North Slave Métis Alliance, and (4) the Inuit of Kugluktuk with the Kitikmeot Inuit Association.

This report for the NDMF focuses on the four IBAs with Aboriginal communities.

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***Aboriginal, Treaty and Legal Rights Framework and Environment***

In many parts of Canada, Aboriginal rights are expressed in Treaties, a formal agreement signed between governments and Aboriginal groups. Some examples of older Treaties are the historic “numbered” Treaties that were signed in the late 1800s and early 1900s, including Treaty 8 and Treaty 11, which cover parts of the NWT. There are also modern agreements and modern Treaties in the NWT, which are sometimes called comprehensive agreements. Some are still being negotiated between Aboriginal peoples, the federal government and the GNWT. Both the historic and modern Treaties lead to different aspects of legal obligations on the part of the government and developers.

Alongside the different Treaty and Aboriginal rights framework, there exist different mineral licensing regimes. Aboriginal Affairs and Northern Development Canada (AANDNC) manages most public mineral resources in the NWT through a variety of legislation, regulations, policies and agreements, although in some areas where mineral resources have been transferred through land claims agreements, the Aboriginal owners are responsible. Acquiring rights to develop Crown land in the NWT occurs through *The Territorial Lands Act* and *The Northwest Territories and Nunavut Mining Regulations* (formerly the *Canada Mining Regulations*). The regulation of resource development through land use permits and water licenses is subject to the federal *Mackenzie Valley Resource Management Act* and the *Northwest Territories Waters Act*. Therefore, depending on the location of the development in NWT, Aboriginal rights and mineral regimes can be very different.

***Key Features***

The Ekati IBAs are confidential, but some details are known about their commitments to local communities:

- ***Economic***
  - No profit or revenue sharing clauses
  - Annual cash payments
  - Annual compensation (compensation is defined as something – such as money given or received as payment or reparation for a service or loss)
- ***Employment:***
  - Employment quotas
  - Annual payments of \$250,000 to each of four First Nations and terms for employment and business opportunities, training programs, and scholarships

- **Training/Education:**
  - Training and education programs
  - Annual payments of \$250,000 (as noted above) to each of four First Nations and terms for employment and business opportunities, training programs, and scholarships
- **Community Development:**
  - Health and wellness programs, counseling and support programs
  - Scholarships and funding for some cultural activities (for example, caribou hunts)
- **Partnership:**
  - No clauses fall under this category
- **Goods and Services Contract Opportunities:**
  - Annual payments of \$250,000 (as noted above) to each of four First Nations and terms for employment and business opportunities, training programs, and scholarships
  - Opportunities for community businesses
- **Environment:**
  - BHP Billiton must pay for an independent monitoring program
  - BHP must submit an annual report to the signing nations, including information regarding the company's environmental monitoring programs
- **Duty to Consult/Engagement:**
  - Although there are no formal clauses that discuss the legal Duty to Consult, the following clause does indicate a desire to keep the community informed:  
  
*BHP is required to consult Aboriginal communities with respect to any activities which risk disturbance to land used for burial grounds or other traditional purposes; as the mine is in an area of unsettled land claims, the IBAs permit benefits to flow to Aboriginal groups whose traditional lands include the area where the mine is located*

Additional highlights of the agreement are:

- The IBAs require that the parties review them in five years; several clauses in the agreements (for example, those concerning compensation payments) are not renegotiable.
- In return, the communities agreed that members would not oppose future mine expansion; by signing all the agreements, the communities affirmed support of the mine's construction and operation, as approved by government.

**Analysis**

In the case of Ekati, there have been both successes and issues that have arisen out of the BAs. The BAs have resulted in compensation payments, employment and training opportunities and business development in the area. However, issues arose prior to the IBA implementation when local negotiation teams felt overwhelmed by their lack of resources and knowledge, and by the complexity of the mine plans. Many community members felt frustrated with the number of meetings, the youth felt left out and without a voice, and Elders of the community became more anxious as the negotiations continued.

The establishment of the Independent Monitoring Agency resulted in the Ekati Mine being one of the most closely watched mines in Canada. According to the Aboriginal Mining Guide study, however, some residents had concerns about the independence of this agency which was fully funded by the proponent. In particular, they raised concerns about some perceived environmental impacts and about a reduction in proponent funding for the agency.

Local employment levels were lower than expected. Some of the barriers identified were lack of job readiness, lack of technical training, social problems such as substance abuse, and lack of capital and investment for business development. Given these issues, the communities adapted their process in future agreements, reportedly setting targets for business and employment levels. The communities also educated themselves on the mining process, took their time in negotiation and did not rush into an agreement until they were ready.

**Victor Mine Agreement**

The following analysis is from the final report on *Aboriginal Consultation and Regulatory Process Case Study: Victor Diamond Mine* (Natural Resources Canada, 2011).

The first diamond mine in Ontario opened in 2008 for commercial production by De Beers Canada after obtaining regulatory approvals in 2005. Located in the James Bay lowlands of northern Ontario, approximately 90 kilometres west of the First Nation community of Attawapiskat, Victor Mine is within the traditional territory of the Mushkegowuk Cree and Treaty 9 lands, signed in 1905.

Of the eight First Nations in the Mushkegowuk Tribal Council, the four identified as most affected by the mine development were the Attawapiskat, Kashechewan, Fort Albany and Moose Cree First Nations. Between 2005 and 2009, IBAs were signed between De Beers and



these four First Nations. Leading up to the 2005 IBA with Attawapiskat First Nation, a Memorandum of Understanding (MOU) was signed in 1999 and a Feasibility Partnering Agreement (FPA) was signed in 2002.

### ***Aboriginal, Treaty and Legal Rights Framework and Environment***

Unlike in jurisdictions with modern comprehensive land claims, negotiations for the Victor Mine BAs were not guided by government-prescribed consultation frameworks and BA requirements. As funding for engagement typically begins only after a regulatory requirement is triggered, Attawapiskat First Nation was not provided with funding to engage with De Beers prior to the regulatory process.

After a regulatory requirement was triggered, government funding was issued to the Attawapiskat First Nation. Expectations and parameters on how De Beers was to consult with the First Nations were issued by regulating authorities in the Project Guidelines. While First Nations do not have a final decision making power, they were able to still contribute significantly to the project's outcome.

### ***Key Features***

The Attawapiskat, Kashechewan, Fort Albany and Moose Cree First Nations have kept their IBAs confidential, but what can be ascertained through the limited resources on this topic shows a strong emphasis on the following attributes:

- ***Economic:***
  - First Nations given priority for business contracts related to the Victor Mine
  - When specific cumulative performance benchmarks are reached, First Nations will receive annual payments contingent on the mine's productivity and profit in the form of increased payments
  - Financial contribution from De Beers for the purpose of economic and social development
- ***Employment:***
  - One-time payment of about \$14 million for jobs and job training for positions beyond general labour
  - Hiring preference given to Aboriginal peoples from the communities

- **Training/Education:**
  - Monetary commitment to construct an education upgrading and advanced training centre in the community of Attawapiskat
  - Funding would be given to education upgrading and bridging programs
  - Commitments from De Beers regarding training
- **Community Development:**
  - Labour clauses for Aboriginal people to get time off from the mine to pursue traditional hunting
- **Partnership:**
  - No known clauses exist that fall under this category
- **Goods and Services Contract Opportunities:**
  - No known clauses exist for this category
- **Environment:**
  - Prohibiting mining activity on traditional sites and burial grounds
- **Duty to Consult/Engagement:**
  - No known Duty to Consult clauses

### **Analysis**

Review of Victor Mine BA effectiveness has been an ongoing process. The conditions that contribute to sustainable economic development opportunities for First Nations are encountered early, during negotiations. Criticism of the process includes low levels of participation from community members and lack of basic education (i.e. literacy, numeracy capabilities) among the First Nations to allow them to take advantage of jobs they were given preference for by virtue of their BAs.

The Aboriginal communities around the Victor Mine development were ill-equipped to maximize the benefits that accrued to them because of pre-existing lack of expertise. Appropriate staging of capacity-building policies and programs (i.e. training and education) would better enable Aboriginal people to take advantage of each stage of development, from negotiations to construction and operation. For example, training individuals for construction work before the mine is built would allow them to anticipate the eventual jobs that would be posted when the mine is in its construction phase. In such cases, governments would benefit from encouraging training and education early on, as opposed to training individuals for

construction while the mine is being built. By the time the individuals are ready or certified, these positions might have already been filled by others. Additionally, when the next round of competition opens for mine operations, the employees' construction skills might no longer be valuable. Proper timing of when to train workers is important to allow them to participate meaningfully in the mine's life cycle.

Notwithstanding these setbacks, according to an article by Mining Association of Canada, in December 2011, 100 of the 500 full time employees at Victor mine were members of the Attawapiskat First Nation. They were involved in all aspects of the operation including mining, processing, administration and environment. Over \$375 million had been awarded to the First Nation for contracts since the start of mine construction. In education and training, De Beers contributed a total of \$1.75M towards two training centres in 2005 and 2010 and contributed over \$1.5 million to a regional education and training program (Natural Resources Canada, March 2011).

#### **Pinehouse Collaboration Agreement**

Home to approximately 1,000 people, Pinehouse is located in north central Saskatchewan, along the main access road to two major uranium operations: the Key Lake Mill and the McArthur River Mine, both on Crown land. The developments are co-owned by Cameco Corporation and AREVA Resources Canada, and have operated for many years: Key Lake started production in 1983 and McArthur River in 1999. Nearly half of the 1,650 workers at those sites are residents of northern Saskatchewan, including many from Pinehouse. During these years, the sites have been subject to the terms of Mine Surface Lease Agreements with the Province, which require the company's "best efforts" to train, hire and do business with residents of northern Saskatchewan (a large geographical area).

Nonetheless, in 2012, AREVA and Cameco entered into a "Collaboration Agreement" with the Northern Village of Pinehouse and Kineepik Métis Local Inc. (based in Pinehouse). Neither the provincial nor federal governments were involved.

The collaboration agreement was negotiated over a number of years and benefits are tied to the nearby operations of Key Lake and McArthur River, as well as to other AREVA and Cameco operations in the Athabasca Basin - notably the proposed new Millennium Project and other exploration projects.

Shortly after signing the agreement, the entire collaboration agreement was made public through the municipality of Pinehouse. Several residents had expressed a desire to see the agreement in its entirety, and making the agreement public also helped dispel misinformation circulated by nuclear opponents (Village of Pinehouse, 2012).

### ***Aboriginal, Treaty and Legal Rights Framework and Environment***

In Saskatchewan, numbered Treaties lay out the rights of signatory First Nations and the obligations of the government. There are no modern Treaties in Saskatchewan.

The mineral licensing regime is governed by the Province. The Government of Saskatchewan manages all public mineral resources in the province through a variety of legislation, regulations, policies and agreements (except for those on federally controlled reserve lands). The surface disposition for long-term mine operations is the Mine Surface Lease Agreement signed between the operators and the Province. This agreement also sets forth socio-economic commitments that require mine operators to use their best efforts to employ, train, promote residents of northern Saskatchewan in their operations, promote northern business procurement, and engage with Northerners regarding operations.

### ***Key Features***

The Collaboration Agreement outlines obligations and benefits in four main categories: Community Investment; Workforce Development; Business Development; and Community Engagement, Consultation and Environmental Stewardship. There are also clauses for the development of a Joint Implementation Committee, to oversee implementation of the agreement and discuss matters pertaining to the operations as they arise.

- ***Economic***
  - Cameco/AREVA will pay Pinehouse three lump sum payments:
    - \$1 million when the parties sign the Collaboration Agreement;
    - \$500,000 when Cigar Lake Mine begins producing; and
    - \$500,000 when the construction of the new Millennium Mine begins.
  - Annual Payments: Cameco/AREVA will make annual inflation-protected payments ranging from \$200,000 to \$1 million, depending on the volume of annual production achieved at mining operations.
- ***Employment:***
  - Cameco will finance a community liaison position in Pinehouse to share information and facilitate employment, training and professional development.

- 
- The parties will make a list of the people living at Pinehouse who have skills that could be used at Cameco/AREVA's operations and Cameco will maintain a skills database.
  - **Training/Education:**
    - Cameco/AREVA will provide social and economic benefits to Pinehouse, such as jobs, education and training opportunities for Pinehouse residents.
  - **Community Development:**
    - A one-time payment of \$30,000 will be made to the school to improve its operations.
  - **Partnership**
    - No clauses exist that fall under this category.
  - **Goods and Services Contract Opportunities:**
    - Cameco/AREVA will give business opportunities and contracts to Pinehouse business entities.
    - Examples of specific long-term contracts that Cameco/AREVA intends to give Pinehouse are:
      - Camp services at the proposed Millennium Mine
      - Private road services for the Millennium Mine
      - Community engagement, including consultation on developments and environmental impacts
      - Provide environmental waste management services for all of Cameco/AREVA's mines
      - Labour and trades services at select operations
    - Pinehouse businesses will offer their services to Cameco/AREVA for these specific contracts on fair terms. Whenever possible, they will provide their services cost-plus.
    - Disputes among the parties concerning these contracts will be resolved by a dispute resolution mechanism set out in the Collaboration Agreement.
    - Pinehouse will provide an annual business capacity statement to Cameco.
  - **Environment:**
    - Cameco will prepare an operation-specific community engagement plan every 6 months setting out community engagement and environmental stewardship programs.
    - Cameco/AREVA will work with the Pinehouse community to address environmental concerns about Cameco/AREVA's mining.
-

- **Duty to Consult/Engagement:**

- Although there are no formal clauses that discuss the legal Duty to Consult, the following clause does indicate a desire to keep the community informed:

*The community signatories agree that they have been broadly consulted to date on existing operations and the proposed Millennium mine, and they further agree to support the uranium mining operations of Cameco/AREVA in the area.*

The agreement specifically notes that residents of the community are not prohibited from commenting on the projects however they wish, but elected leaders are expected to support the projects: the agreement will be void if the Village or Métis Local signatories formally breach this term.

- A joint implementation committee will be established to plan and implement community engagement activities. Cameco will pay honorariums and provide \$2000/year for professional development for one Pinehouse member.

### **Analysis**

The agreement is only 9 months old, so an analysis of achievements must be a future endeavor. Work to ensure the benefits are implemented is already underway: the parties have established the joint implementation committee to allow the parties opportunities to monitor the progress in implementing the conditions, resolve disputes and discuss workforce and business development.

### Summary of Case Studies

Despite the 17-year range in ages of the four case study agreements, they display considerable similarity in their key attributes (Figure 5). All four agreements focus on environmental protection, training and employment, and business opportunity provisions between the proponent and local interests. One agreement, the earliest of the set - the Raglan Agreement – contained specific provisions reinforcing the ‘partnership’ of the local Inuit communities with the mine operations, through the establishment of a seat on the mine’s Board of Directors.

Project	Attributes of Case Study Agreements (Fig. 5)							
	Economic	Education	Training Employment	Community Development	Partnership	G&S Supply Chain	Environment	Consult/ Engage
Raglan	<u>x</u>		<u>x</u>		<u>x</u>	<u>x</u>	<u>x</u>	
Ekati	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>	<u>x</u>	
Victor Mine		<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>	<u>x</u>	
Pinehouse	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>	<u>x</u>	<u>x</u>

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## FINDINGS AND ANALYSIS

Due to limited public information, the findings from this report should not be interpreted as reflecting *all* resource development based agreements, including BAs, with northern communities and/or Aboriginal peoples. Rather, analyses have been based on a limited pool of 276 identified benefits agreements established across member NDMF jurisdictions since the late 1990s, and for which varying levels of internal details were available.

While earlier agreements focused on employment and training – and these are still prevailing attributes - more recent BAs have tended to also address community-based environmental monitoring interests, social and cultural program initiatives, the inclusion of dispute resolution mechanisms, and direct payments and revenue sharing provisions, among other elements. There is no formula for the drafting of such benefits agreements; provisions depend on the capacity, expectations and needs of each community and region, the ability (and interest) of the resource developer to accommodate such terms, as well as the legal framework of the jurisdiction in which the triggering project is located, and the capacity and resources of the proponent.

### ***Decision-Making***

Based on the multi-jurisdictional findings on available information, communities have increasingly expressed interest in being involved in the decision-making process, such as sitting on the board of directors. While early agreements tended to have some involvement by governments (agreements prior to the Ekati Agreement), this involvement has diminished over time. In general, what has increased is the breadth and scope of subject matter addressed in the agreements.

### ***Environmental Protection and Monitoring***

A monitoring component is prevalent in many of these agreements. Environmental monitoring has been seen as a priority of many of the communities involved; in the Ekati Agreement, one clause requires BHP to pay for independent monitoring.

### ***Community Involvement***

More modern agreements engage the community in the operation and management of the development, including increased emphasis on job creation for Aboriginal peoples. Their focus



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has been expanded to include areas outside of the 'environment' and items traditionally seen as community concerns (ie., the protection of fishing and hunting practices, and cultural grounds).

While older agreements typically referred to companies' support for traditional activities (i.e. fishing, hunting), developers are now investing in the communities as long-term neighbours, who are interested in the communities being long-term and effective sources of employees for their developments. For example, in recent years there has been a greater emphasis on community infrastructure for recreation and education to foster well-being and increased workforce capacity. In this symbiotic relationship, these investments are sometimes outside the arrangement structure and are seen as corporate donations or investments, but they are still useful in securing a "social licence" for the project.

### ***Economic Benefits***

There has been an observable increase in direct revenue sharing and payments tied to project performance provisions being built into more recent benefit agreements. Many BAs have clauses for multi-year payments and ongoing payments based on economic performance of the project. These recurring payments, as opposed to traditional one-time payments, have enabled communities and companies to plan social or other programs with a focus on long-term, sustainable development. Such payment frameworks are especially beneficial for ongoing, capacity-building initiatives like youth programs, or education and training initiatives.

Business development (as part of overall goods and services supply chain opportunities) is an item that has been emphasized throughout both early and modern agreements. However, there is a recent focus on the long term sustainability of business developments. This trend highlights the desire of both parties for flexible businesses that can serve other industry sectors prior to and after resource projects are decommissioned. Communities are increasingly planning long term and preparing for sustainable community growth.

### ***Employment and Training***

Employment and training are the most common issues addressed in BAs, regardless of the era.

Jobs are very visible benefits, and they reach directly to the residents of a northern community. BAs have recently begun to set out expectations for partnerships or direct economic benefits, but even then, negotiations can target these types of benefits to the labour force (see

Economic Benefits, above). It meets signatories' complementary needs: northern residents want to be part of the resource industry, and developers want skilled workers.

There is a predicted shortage of skilled labour looming in the mining sector: the Saskatchewan Mining Association forecasts a need for up to 18,000 workers in the next 10 years, while the Ontario Mining Industry Human Resources Council expects a shortfall of over 15,000 workers in Ontario's mining sector by 2021. Given this anticipated labour demand, developers are understandably keen to promote initiatives for education and training, and communities welcome the opportunity.

### ***Aboriginal Rights and Modern Treaties***

A growing number of BAs have been identified as being relevant to the Crown's **Duty to Consult** and Accommodate. While the BAs might not refer directly to the Duty, governments might wish to consider some aspects of the BA as pertinent to their fulfillment of procedural aspects of the Duty. However, this requires that the Crown knows the contents of the BA in question in order to understand how the BA might satisfy some procedural aspects of the Duty. To this end, as one NDMF member jurisdiction has suggested, a government may be able to consider publicly available written records or open meetings, and it may be able to request meeting notes or consultation reports from third parties. The Crown remains responsible for the Duty.

There is no observable difference in the effect that the existing **Treaty or Aboriginal rights framework** has on the number of agreements. While early agreements tended to arise as a result of some legal obligation on the part of the resource developer or governing administration, some modern agreements have included municipal signatories with no Treaty rights. Such is the case in the Pinehouse Collaboration Agreement in Saskatchewan. Developers are beginning to see the benefits of these agreements beyond rights-based issues, and are opening dialogues with all parties to promote a more stable investment environment.

There are also no observable differences in BAs that could be attributed to different **mineral licensing regimes** under which these agreements operate. Whether the mineral licenses are authorized under federal or provincial or Aboriginal jurisdiction does not seem to have an effect on the content of the continually evolving BAs. Agreements across Canada seem to follow the needs of the community and not the legal or regulatory regime in which they exist. Even in areas of land claim settlements, where the mineral rights are held by the Aboriginal group, the arrangements are not much more complex than those in areas where the community holds no such rights. It seems that arrangements are seen now as a smart, often voluntary method of

securing social license and community buy-in that allow for a sustainable investment environment. They are an industry best practice, and an increasingly accepted way of doing business.

## AREAS OF FUTURE STUDY

Many jurisdictions in Canada do not require or mandate local benefits agreements to be signed with communities. However, the landscape may be changing.

Generally, governments have taken a 'hands off' approach to BAs in Canada, but the federal government has indicated in public statements its intention to make the contents of these bi-lateral agreements more transparent. As new resources are identified for development, the issue of sharing benefits is likely to become more prominent.

Resource developers are likely to continue to view BAs as tools to promote their social license to operate in resource rich regions and to secure a more stable operating environment, while communities are likely to view them as a way of leveraging local benefits on their own terms. Increasingly, they will be looking at formal agreements as a tool to ensuring local benefits and developing local capacity. If agreements between communities and private companies do, in fact, effectively support sustainable development and appropriately share the benefits of resource extraction, then how can government support the process?

### *Future Considerations*

To understand if BAs between northern communities and private companies effectively support sustainable development and appropriately the benefits of resource extraction, more research is required.

- How best can government support the process of BAs through policy and stimulate the best agreements possible?
- What have been the successes and what have been the major issues, to date, in the emergence of benefits agreements?
- Are communities becoming more self-reliant as a result of such agreements?

In order to determine if formal agreements are meeting the needs of companies, it would be worthwhile to understand their perspective on the costs and benefits of agreements.

- Have such benefits agreements lead to a more stable investment climate?
- Have the agreements resulted in companies more effectively securing employees, goods and services for the development, and how much has it cost to develop and implement the arrangement?
- Have the agreements indemnified the developer from protests or other challenges from nearby communities? Some BAs require that the local signatories support the development in question, as part of the business agreements.

As has been noted in this report, it is difficult to obtain information on what is contained within agreements, and there is even less information on the implementation of the agreements. In the present situation, jurisdictions cannot solely depend on agreements as effectively supporting sustainable development in the North, because so little is known about their effectiveness.

- What observations can be made about the implementation of these agreements?
- What lessons could be learned from the implementation issues and what could governments do to improve successful outcomes?
- By what measure would governments identify a successful BA?

This last question is an important consideration for governments. It is difficult to measure success when the measures, and results, are not always in the public domain. Such information would be useful to help establish good public policy, but it might not be that easily obtained, as discovered by this report. Against this need for information, jurisdictions must balance the reasonable desire of signatories to keep their agreements confidential. An additional key policy question, then, is how each jurisdiction wishes to address the transparency of BAs, if it wishes to address the matter at all.

Furthermore, the relative success of BAs is only one consideration for governments; they must also carefully consider the political and legal issues raised by BAs.

It appears that employment benefits are the attribute that is most commonly addressed in agreements. This signals that both signatories are interested in either having employees or being employed.

- If employment is the most common attribute in arrangements, then how could governments better support this objective in a meaningful way?
- While already top of mind for many jurisdictions, how can governments better support skills development and training to ensure that northern communities are fully prepared to capitalize on this most common attribute of current benefits agreements?
- Are there prerequisite issues which affect the success of skills development and training (for example, early childhood development)?

These observations, suggestions and outstanding questions may prompt further research and future initiatives to identify policy ramifications for governments and best practices for industry and communities in developing BAs across the Canadian resource landscape.

**APPENDICES**

## Appendix A: Summary Table of Benefit Agreements

Project	Resource	Province or Territory	Status in 2012	Agreement Title	Year Signed	Aboriginal/ Community Signatories	Industry Signatories	Attributes of Agreement								
								Economic (y/n)	Employment (y/n)	Training/Education (y/n)	Community Develop't (y/n)	Partnership (y/n)	G&S Supply Chain (y/n)	Environment (y/n)	Consult/Engagement (y/n)	
Loon River	Diamonds	Alberta	Exploration	Exploration Agreement	2007	Loon River First Nation	Canterra Minerals Corp									
Syncrude Oil Sands	Oil	Alberta	Producing	Unspecified	1993-1998	Athabasca Native Development Corp.	Syncrude Canada Ltd.									
Ajax Project	Copper / Gold	British Columbia	EA	Advanced Exploration Agreement	2010	St'k'emlupsemc Te Secwepemc (Tk'emlups Indian Band and Skeetchestn First Nation)	Abacus Mining and Exploration Corporation (AME) and KGHM Polska Miedz S.A (KGHM)									
Apple Bay Quarry	Gold	British Columbia	Producing	Mining Participation and Royalty Agreement	2003	Quatsino First Nation	Electra Gold Ltd.									
Blue River Tantalum/Niobium Project	Tantalum/ Niobium	British Columbia	Exploration	Exploration Agreement	2010	Simpco First Nation	Commerce Resource Corp									
Bonanza Ledge Property	Gold	British Columbia	Exploration	Project Agreement	2010	Lhako Dene Nation	Barkerville Gold Mines									
Cassiar Gold Camp	Gold	British Columbia	Exploration	Resource Funding Agreement	2009	Kaska Dena Council	Hawthorne Gold Corp.									
Central South/South Cirque	Coal	British Columbia	EA	MOU		Halfway River First Nation, McLeod Lake Indian Band	Xtrata (was First Coal)									
Copper Mountain Project	Copper / Gold	British Columbia	Producing	MOU	2010	Upper Similkameen Indian Band	Copper Mountain Mining Corp									
Eagle Rock Quarry	Granite	British Columbia	Construction	Joint venture Agreement	2002	Hupacasath First Nation, Ucluelet First Nation, Tseshaht First Nation	Polaris Mineral Corp.									
Elk Valley Coal	Coal	British Columbia	Production			Ktunaxa Nation Council	TECK Coal Ltd. (was Elk Valley Coal Corp)									



Eskay Creek Mine	Gold	British Columbia	Closed	Collaborative Agreement	2004	Tahltan Central Council (Tahltan Nation)	Barrick Gold Corp.									
Galore Creek Project	Gold	British Columbia	On Hold	Participation Agreement	2006	Tahltan Central Council (Tahltan Nation)	NovaGold Canada Inc.									
Golden Bear Mine	Gold	British Columbia	Closed	Socio-economic Agreement	1988	Tahltan Central Council (Tahltan Nation)	Barrick Gold (previous owner Homestake Canada Inc. )									
Greenwood Gold Project	Gold	British Columbia	Processing	IBA	2010	Osoyoos Indian Band	Grizzly Discovery Inc. (previous owner Merit Mining)									
Kemess North Project	Gold / Copper	British Columbia	Not Approved			Fort Connelly First Nation	AuRico Gold									
Kemess South Project	Gold / Copper	British Columbia	Decomissioning	Cooperation Agreement	2006	Tse Keh Nay (Takla First Nation, Tsay Keh Dene, Kwadacha First Nation)	AuRico Minerals ( previous owner Northgate Minerals)	y								
Kitmat	Aluminum	British Columbia	Production	Letter of Intent	2005	Haisla Nation	Rio Tinto Alcan									
Kitsault Molybdenum	Molybdenum	British Columbia	Approvals	Communication Protocol Agreement	2010	Nisga'a Lisims Government	Avanti Mining Corp.		y							
Kutcho	Copper/ Zinc/ Gold/ Silver	British Columbia	Exploration			Kaska First Nation, Communities of Daylu Dena Council and the Dease River Band Council, Tahltan Nation Development Corp.	Capstone Mining Corp.									
Miner Mountain	Copper / Gold	British Columbia	Advanced Exploration	MOU	2007	Upper Similkameen Indian Band	SeGO Resource Inc.									
Morrison Project	Copper / Gold	British Columbia	EA Rejected	Capacity Funding Agreement	2008	Lake Babine Nation	Pacific Booker Minerals Inc.									
Mount Klappan	Coal	British Columbia	Advanced Exploration	Unspecified Negotiation Agreement	2009	Tahltan Central Council (Tahltan Nation)	Fortune Minerals Limited									
New Afton Project	Gold	British Columbia	Production	Participation Agreement	2008	Kamloops Division of Secwepemc Nation (Kamloops Indian Band and Skeetchestn Indian Band)	New Gold Inc.									
Orca Project	Gravel / Sand	British Columbia	Production	IBA	2005	Kwakiutl Band, Namgis First Nation	Polaris Mineral Corp.					y				
Panorama Ridge Gold	Gold	British Columbia	Exploration	MOU	2006	Upper Similkameen Indian Band	Goldcliff Resources Corp.									y
Pavilion Plant	Limestone	British Columbia	Production	MOU	2006	Ts'kw'aylaxw First Nation	Greymont Western Canada Inc.	y	y							

Porphyry Creek Project	Gold / Silver	British Columbia	Production	Communication & Engagement Agreement	2010	Wet'sewet'en First Nation, Gitksan First Nation	Duncastle Gold Corp		Y	Y				y		
Red Chris Mine	Copper / Gold	British Columbia	Exploration	MOU	2004	Tahltan Central Council (Tahltan Nation)	Imperial Metals Corp.									
Ruddok Creek	Zinc/Lead	British Columbia	Exploration	Cooperation Agreement	2011	Simpco First Nation	Selkirk Metals Corp.									
Schaft Creek Project	Copper	British Columbia	Exploration	Various Agreements	2007	Tahltan Central Council (Tahltan Nation)	Copper Fox Metals Inc.									
Spanish Mountain	Gold	British Columbia	Exploration	Protocol Agreement	2011	Williams Lake Indian Band	Spanish Mountain Gold Ltd.									
Storie Molybdenum Deposit Project	Molybdenum	British Columbia	Exploration	Traditional Knowledge Protocol	2009	Dease River Band Council, Daylu Dena Council, Kwadacha First Nation, Kaska Dena Council	Columbia Yukon Exploration Inc.									
Table Mountain Property	Gold	British Columbia	Production	MOU		Dease River Band Council of Good Hope Lake	Hawthorne Gold Corp.									
Tulsequah Project	Copper/ Lead/ Zinc/ Gold/ Silver	British Columbia	Advanced Exploration	LOU	2011	Taku River Tlingit First Nation	Cheftain Metals Inc. (former Redfern Resources inc.)		Y					y		
Turnagain Nickel	Nickel	British Columbia	Advanced Exploration	Traditional Knowledge Protocol	2009	Dena Keyeh Institute, Dease River Band Council, Daylu Dena Council, Kwadacha First Nation, Kasa Dena Council	Hard Creek Nickel Corp.									
Yellowjacket Gold Project	Gold	British Columbia	Exploration	IBA	2009	Taku River Tlingit First Nation	Prize Mining Ltd		Y	Y				y	y	
Development of Keeyask Generating Station Project	Energy	Manitoba	Develop't	Development Agreement	2009	Tataskweyak Cree Nation, War Lake First Nation, Fox Lake Cree Nation, York Factory First Nation	Manitoba Hydro	Y	Y	Y	y	y	y	y	y	
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2009	Berens River First Nation	East Side Road Authority	Y	Y	Y				y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2009	Wasagamack First Nation	East Side Road Authority	Y	Y	Y				y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2010	Bunibonibee First Nation	East Side Road Authority	Y	Y	Y				y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2010	Garden Hill First Nation	East Side Road Authority	Y	Y	Y				y		

Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2010	Pauingassi First Nation	East Side Road Authority	Y	Y	Y			y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2010	Poplar River First Nation	East Side Road Authority	Y	Y	Y			y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2010	Red Sucker Lake First Nation	East Side Road Authority	Y	Y	Y			y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2010	St. Theresa Point First Nation	East Side Road Authority	Y	Y	Y			y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2011	God's Lake First Nation	East Side Road Authority	Y	Y	Y			y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2011	Hollow Water First Nation	East Side Road Authority	Y	Y	Y			y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2011	Little Grand Rapids First Nation	East Side Road Authority	Y	Y	Y			y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2011	Manto Sipi First Nation	East Side Road Authority	Y	Y	Y			y		
Eastside Road Project	Construction	Manitoba	Construction	Community Benefit Agreement	2010/2012	Bloodvein First Nation	East Side Road Authority	Y	Y	Y			y		
Grant-in-lieu of taxes payment	Nickel	Manitoba	Production	LOU	2013	Local Gov't District of Mystery Lake, School District of Mystery Lake, City of Thompson	Vale Ltd	Y			y				
Makwa Nickle Project	Nickel	Manitoba	Exploration	MOU	2009	Sagkeeng First Nation	Mustang Minerals Corp.								
Minago Project	Nickel	Manitoba	Exploration	MOU	2007	Misipawistik Cree Nation (Grand Rapids), Mosakahiken Cree Nation (Moose Lake), Cross Lake Band of Indians	Victory Nickel Inc.								
Monument Bay Project	Gold	Manitoba	Exploration	MOU	2010	Red Sucker Lake First Nation	Mega Precious Metals Inc.	Y							
NW Manitoba Project	Uranium	Manitoba	Exploration	MOU	2012	Northlands Denesuline (Lac Brochet)	CanAlaska Uranium Ltd.								
Wuskwatim Generation Project	Energy	Manitoba	Production	Partnership Agreement	2006	Nisichawayasihk Cree Nation (NCN)	Manitoba Hydro	Y	Y	Y	y	y		y	

# Priority Project on Sustainable Resource Development

## Benefit Agreements in Canada's North

Alderon Kami Project	Iron	Newfoundland and Labrador	Advanced exploration	MOU	2013	Towns of Labrador City and Wabush	Alderon Iron Ore Corp			-						
LabMag Iron Ore Project	Iron	Newfoundland and Labrador	Advanced exploration	Participation and/or Socio-Economic Agreement	2004	Naskapi Nation of Kawawachikamach	New Millennium Capital Corporation			-						
Lower Churchill Project	Hydro	Newfoundland and Labrador	Sanctioned	Lower Churchill Project Impacts and Benefits Agreement	2010	Innu Nation	Nalcor Energy, NL Gov	Y	Y	Y	y	y				
Schefferville Area Ore Project	Iron	Newfoundland and Labrador	Advanced Exploration	IBA	2008	Innu Nation (Sheshatshiu Innu Nation, Mushuau Innu First Nation)	Labrador Iron Mines Holdings Limited	Y	Y	Y		y	y			
Schefferville Area Ore Project	Iron	Newfoundland and Labrador	Advanced Exploration	IBA	2010	Naskapi Nation of Kawawachikamach	Labrador Iron Mines Holdings Limited									
Schefferville Area Ore Project	Iron	Newfoundland and Labrador	Advanced Exploration	IBA	2010	Matimekush-Lac John First Nation	Labrador Iron Mines Holdings Limited				y					
Schefferville Area Ore Project	Iron	Newfoundland and Labrador	Advanced Exploration	MOU	2010	Innu Takuaihan Uashat Mak Mani-Utenam of Sept-Iles	Labrador Iron Mines Holdings Limited									
Voisey's Bay Project	Nickel	Newfoundland and Labrador	Producing	IBA	2002	Innu Nation	Vale Inco									
Voisey's Bay Project	Nickel	Newfoundland and Labrador	Producing	IBA	2002	Labrador Inuit	Vale Inco									
Aber		Northwest Territories		Cooperation Agreement		Inuvialuit Regional Corp.										
Darnley Bay Project		Northwest Territories	Exploration	Exploration Agreement	1995	Inuvialuit Land Corp.	Darnley Bay Resources Ltd.									
Diavik Diamonds Project	Diamonds	Northwest Territories	Producing	Participation Agreement	2000	Yellowknives Dene First Nation	Diavik Diamond Mines (Rio Tinto)									
Diavik Diamonds Project	Diamonds	Northwest Territories	Producing	Participation Agreement	2000	Tlicho First Nation (Dogrib Treaty 11 Council)	Diavik Diamond Mines (Rio Tinto)									
Diavik Diamonds Project	Diamonds	Northwest Territories	Producing	Participation Agreement	2000	North Slave Métis Alliance	Diavik Diamond Mines (Rio Tinto)									
Diavik Diamonds Project	Diamonds	Northwest Territories	Producing	Participation Agreement	2001	Lutsel K'e Dene First Nation	Diavik Diamond Mines (Rio Tinto)									

Diavik Diamonds Project	Diamonds	Northwest Territories	Producing	Participation Agreement	2001	Kitikmeot Inuit Association	Diavik Diamond Mines (Rio Tinto)										
Diavik Diamonds Project	Diamonds	Northwest Territories	Producing	Socio-economic Agreement	1999	Government of Northwest Territories, Dogrib Treaty 11 Council, Yellowknives Dene Band, Lutsel K'e Dene Band, Kitikmeot Inuit Association, North Slave Metis Alliance	Diavik Diamond Mines (Rio Tinto)	y	y	y	y	y	y				
EKATI Diamond Mine	Diamonds	Northwest Territories	Producing	IBA	1996	Lutsel K'e Dene First Nation	BHP Billiton										
EKATI Diamond Mine	Diamonds	Northwest Territories	Producing	IBA	1996	Yellowknives Dene First Nation	BHP Billiton										
EKATI Diamond Mine	Diamonds	Northwest Territories	Producing	IBA	1996	Tlcho First Nation (Dogrib Treaty 11 Council)	BHP Billiton										
EKATI Diamond Mine	Diamonds	Northwest Territories	Producing	IBA	1996	Akaiicho Treaty 8	BHP Billiton										
EKATI Diamond Mine	Diamonds	Northwest Territories	Producing	IBA	1998	Hamlet of Kugluktuk, Kitikmeot Inuit Association	BHP Billiton										
EKATI Diamond Mine	Diamonds	Northwest Territories	Producing	IBA	1998	North Slave Métis Alliance	BHP Billiton										
EKATI Diamond Mine	Diamonds	Northwest Territories	Producing	Socio-economic Agreement	1996	Government of Northwest Territories	BHP Billiton (SEA Assigned to Dominion Diamond Corp. in 2013)	y	y	y	y	y	y				
Eldorado South		Northwest Territories				Deline Land Corp.											
Gahcho Kue Mine	Diamonds	Northwest Territories		Socio-economic Agreement		Government of the Northwest Territories	De Beers Canada										
Nechalacho Rare Earth Deposit (Thor Lake)		Northwest Territories		MOU		Yellowknives Dene First Nation											
Nechalacho Rare Earth Deposit (Thor Lake)		Northwest Territories		Socio-economic Agreement		Government of the Northwest Territories	Avalon										
Pine Point Project		Northwest Territories		Exploration Agreement		Katodzeeche First Nation											
Pine Point Project		Northwest Territories				Hay River Metis Council, Denini K'ue First Nation											
Prairie Creek Mine		Northwest Territories		IBA		Nahanni Butte Dene Band, Liidlii Kue First Nation of Fort Simpson											

Prairie Creek Mine	Lead Zinc	Northwest Territories	Proposed	Socio-economic Agreement	2011	Government of Northwest Territories	Canadian Zinc Corporation	Y	Y	Y	y	y			
Snap Lake Project	Diamonds	Northwest Territories	Producing	IBA	2005	Yellowknives Dene First Nation	De Beers Canada								
Snap Lake Project	Diamonds	Northwest Territories	Producing	IBA	2006	North Slave Métis Alliance	De Beers Canada								
Snap Lake Project	Diamonds	Northwest Territories	Producing	IBA	2006	Tlicho First Nation (Dogrib Treaty 11 Council)	De Beers Canada								
Snap Lake Project	Diamonds	Northwest Territories	Producing	IBA	2007	Lutsel K'e Dene First Nation	De Beers Canada								
Snap Lake Project	Diamonds	Northwest Territories	Producing	Socio-economic Agreement	2004	Government of Northwest Territories, Dogrib Treaty 11 Council, Yellowknives Dene First Nation, Lutsel K'e Dene Band, North Slave Metis Alliance	De Beers Canada	Y	Y	Y	y	y	y		
Angilak Property	Uranium	Nunavut	Exploration	Exploration Agreement	2007	Nunavut Tunngavik Inc.	Kaminak Gold Corporation								
Angilak Property Lac Cinquante Deposit	Uranium	Nunavut	Exploration	Comprehensive Agreement	2012	Nunavut Tunngavik Inc.	Kivalliq Energy Corp.	Y							
Angilak Property Lac Cinquante Deposit	Uranium	Nunavut	Exploration	MOU	2008	Nunavut Tunngavik Inc.	Kaminak Gold Corporation	Y				y			
Coronation Gulf Area (Hammer Project)	Diamonds	Nunavut		Exploration Agreement		Nunavut Tunngavik Inc.	Stornoway Diamond Corp.								
Doris North Project	Gold	Nunavut	Advanced Exploration	Inuit IBA	2006	Kitikmeot Inuit Association	Newmont Mining Corporation (formerly Miramar Hope Bay Ltd (Miramar Mining Corporation subsidiary))								
Hackett River Project		Nunavut		MOU		Nunavut Resource Corp., Kitikmeot Inuit Association									
Jericho Diamond Project	Diamonds	Nunavut	Suspended	Inuit IBA	2004	Kitikmeot Inuit Association	Tahera Diamond Corp.								
Kiggavik North BL-21		Nunavut		MOU		Nunavut Tunngavik Inc.									
Lupin Project		Nunavut				Government of the Northwest Territories									

Mary River Project		Nunavut		MOU		Qikiqtaaluk Corp. and Kakivak Association, Qikiqtani Inuit Association										
Meadowbank Project		Nunavut	Advanced exploration	IBA	2006	Kitikmeot Inuit Association	Agnico-Eagle Mines Ltd									
Nanisivik Mine		Nunavut				Government of Canada										
Polaris Mine		Nunavut				Government of Northwest Territories										
Silvertip Project		Nunavut		MOU		Nunavut Tunngavik Inc.										
Ulu Project		Nunavut	Closed	Inuit IBA	1996 (never implemented)	Kitikmeot Inuit Association	Echo Bay Mines Ltd. (Kinross Gold Corp.)									
Abernethy Gold Project		Ontario		N/A	N/A	Local First Nation	Benton Resources Inc									
Albany Project		Ontario		MOU	2011	Constance Lake First Nation	Zenyatta Ventures Ltd		y		y		y			y
Bachelor Lake		Ontario		Exploration Agreement		Wahgoshig First Nation										
Beardmore-Geraldton Gold Camp		Ontario		Exploration Agreement	2013	Aroland First Nation and Animiigoo Zaa'igan Anishinaabek First Nation	Markinch Resources / Advantel Minerals / Tashota Resources	y	y	y		y			y	y
Bell Creek Project		Ontario		Exploration Agreement	2009	Flying Post First Nation, Matchewan First Nation, Mattagami First Nation, Wahgoshig First Nation	Lake Shore Gold Corp.		y	y						
Big Lake and Hemlo East		Ontario		Exploration Agreement	2009	Ojibways of the Pic River First Nation	MetalCORP		y					y		
Big Mack		Ontario		MOU	1999	Wabaseemong Independent Nation of Whitedog										
Black Fox Project		Ontario		MOU	2007	Wahgoshig First Nation	Apollo Gold Corp.	y		y						y
Borden Lake Gold Project		Ontario		MOU	2011	Brunswick House First Nation, Chapleau Cree and Chapleau Ojibwe First Nation	Probe Mines Ltd.	y		y		y				y
Chester Project		Ontario		Exploration Agreement	2009	Mattagami First Nation	Trelawney Mining & Exploration Inc.			y		y				y
Chief Peter Property		Ontario		MOU	2012	Seine River First Nation	Minfocus Exploration Corp.									y
Chief Peter Property		Ontario		MOU	2012	Lac des Mille Lacs First Nation	Minfocus Exploration Corp.									y

Detour Lake Gold Project		Ontario		Exploration Agreement	2009	Moose Cree First Nation, Couchiching First Nation, Lac La Croix First Nation, Mitaanijigaming First Nation, Naicatchewin First Nation, Nigigoonsiminkaaning First Nation, Rainy River First Nation, Seine River First Nation, Lac des Millie Lacs First Nation	Detour Gold	y		y		y				y	
Detour Lake Gold Project		Ontario		IBA	2009	Taykwa Tagamou First Nation, Wahgoshig First Nation	Detour Gold	y	y	y		y				y	y
Detour Lake Gold Project		Ontario		IBA	2012	Metis Nation of Ontario	Detour Gold	y	y	y		y				y	y
Detour Lake Gold Project		Ontario		MOU	2009	Metis Nation of Ontario	Detour Gold		y	y	y	y					
Dona Lake		Ontario	Closed	Socio-economic Agreement	1987	Osnaburg Indian Band, Windigo Tribal Council, Governments of Canada and Ontario	Dome Exploration (Canada) Ltd.	y	y	y							
Eagle One		Ontario		Exploration Agreement	2009	Marten Falls First Nation	Noront Resources									y	y
Eagle One		Ontario		Exploration Agreement	2010	Webequie First Nation	Noront										
East Breccia		Ontario		Exploration Permit	2012	Batchawana First Nation	Boxxer Gold Corp.										
Edleston		Ontario		Exploration Agreement	2013	Mattagami First Nation	SGX Resources	y									y
Fort Good Hope Mine		Ontario		MOU	2008	Eabametoong First Nation	SLAM Exploration										
Garrison Gold Property		Ontario		N/A	N/A	Wahgoshig First Nation	Northern Gold Mining Inc										
Golden Patricia	Gold	Ontario	Closed	Renewal of 1988 Socio-economic Agreement	1993	Cat Lake Indian Band, Osnaburgh Indian Band, Slate Falls Indian Band, Windigo Tribal Council	Lac North America Ltd.		y	y					y	y	
Golden Patricia	Gold	Ontario	Closed	Socio-economic Agreement	1988	Cat Lake Indian Band, Osnaburgh Indian Band, Slate Falls Indian Band, Windigo Tribal Council	St. Joe Canada Inc. (Lac North America Ltd. at closure)		y	y					y	y	



Hammond Reef Gold Property	Ontario		MOU	2009	Fort Frances Cheifs Secretariat representing Couchiching First Nation, Lac La Croix First Nation, Mitaanjigamingi First Nation, Naicatchewenin First Nation, Nigigoonsiminikaanning First Nation, Rainy River First Nation, Seine River First Nation, Lac des Mille-Iles First Nation	Brett Resources	y		y						y	
Hardrock Project	Ontario		Exploration Agreement	2010	Long Lake No.50, Long Lake No.58	Premier Gold Mines Ltd.		y	y			y			y	
Hardrock Project	Ontario		MOU	2009	Ginoogaming First Nation	Premier Gold Mines Ltd.	y	y	y	y				y	y	
Highbank Project	Ontario		Exploration Agreement	2005	Marten Falls First Nation	Northern Shield										
Horseshoe Lake Property	Ontario		Negotiation Protocol	2011	Lac Seul First Nation	Newstrike Resources Ltd.	y	y	y							
Jerome Mining Claim	Ontario		Exploration Agreement	2008	First Nation Partnership comprising of Mattagami First Nation, Brunswick House First Nation, Flying Post First Nation	Trelawney Mining & Exploration Inc.		y	y						y	y
Junior Lake Project	Ontario		MOU	2007	Whitesand First Nation, Animbiigoo Zaagi'igan Aishinaabek	Landore Resources									y	
Kearney Graphite Mine	Ontario		MOU	2013	Wasauksing, Dokis and Henvey Inlet First Nation communities	Ontario Graphite Limited	y	y	y						y	
Kearney Graphite Mine	Ontario		MOU	2013	Magnetawan First Nation	Ontario Graphite Limited										
Kearney Graphite Mine	Ontario		MOU	2013	Shawanaga First Nation	Ontario Graphite Limited										
Kenbridge Deposit	Ontario		Exploration Agreement	2010	Anishinaabeg of Naongashiing First Nation, Grassy River First Nation, Northwest Angle #33 First Nation, Ojibways of Onigaming First Nation, Naoitkamegwanning First Nation, Wauzhushk Onigum First Nation, Anishinaabeg of Kabapikotawangag Resource Council	Canadian Arrow Mines Ltd.		y			y					
Kerrs Gold Project	Ontario		MOU	2007	Wahgoshig First Nation	Sage Gold / Sheltered Oak Resources	y		y	y					y	
Kerrs Property	Ontario		MOU	2013	Wahgoshig First Nation	Foundation Resources Inc.	y		y							
KM61 Project	Ontario		MOU	2007	Whitesand First Nation, Animbiigoo Zaagi'igan Aishinaabek	Linear Metals Corp.		y				y				

Koper Lake Project		Ontario		MOU	2012	Marten Falls First Nation	Bold Ventures		y			y		y	
Lake Abitibi Claims		Ontario		Exploration Agreement	2001	Wahgoshig First Nation		y	y	y				y	y
Lapointe Diamond Project		Ontario		MOU	2003	Timiskaming First Nation	Tres-Or Resources Ltd.		y	y				y	y
MacFayden Project		Ontario		Exploration Agreement	2006	Attawapiskat First Nation	KWG Resources	y	y	y					
Marathon		Ontario		MOU	2007	Ojibways of the Pic River First Nation, Pic Morbert First Nation									
Marathon		Ontario		MOU	2007	Pic River First Nation									y
Marshall Lake Property		Ontario		Exploration Agreement	2012	Animbiigoo Zaag'iigan Anishaabek First Nation	White Tiger Mining Corp.	y	y					y	y
Marten Falls Area		Ontario		LI	2004	Marten Falls First Nation	Province of Ontario	y	y					y	y
Marten Falls Area		Ontario		MOU	2013	Marten Falls First Nation	Province of Ontario	y	y					y	y
Martison Project		Ontario		Access Agreement	2007	Constance Lake First Nation	Phoscan Chemicals	y	y						
McFaulds Lake Project		Ontario		MOU	2010	Webequie First Nation	Aurcrest Gold Inc.								
McFaulds Lake Project		Ontario		Training Agreement	2012	Nibinamik First Nation, Webequie First Nation, Neskantaga First Nation and Eabamtoon First Nation	Noront Resources		y	y		y			y
Mohawk Garnet Project		Ontario		MOU	2008	Wahnapiitae First Nation	Mohawk Garnet Inc.					y		y	y
Munro-Croesus Gold		Ontario		Exploration Agreement	2012	Wahgoshig First Nation	Constantine Metal Resources								y
Musselwhite	Gold	Ontario	Closed	Renewal of 1991 Socio-Economic Agreement	2001	North Caribou Lake First Nation, Cat Lake First Nation, Windigo First Nations Council, Kingfisher Lake First Nation, Wunnumin Lake First Nation, Shibogama First Nations Council	Barrick Gold Corp. (previous owner Placer Dome Inc.)		y		y	y	y	y	y
Musselwhite		Ontario	Closed	Socio-economic Agreement	1991	Cat Lake First Nation, Windigo Tribal Council, Shibogama First Nations Council	Placer Dome Inc.								
Nakina Diamond project		Ontario		Exploration Agreement	2012	Aroland First Nation	Debut Diamonds		y					y	y
North Timmins Gold Project		Ontario		Exploration Agreement	2011	Mattagami First Nation and Matachewan First Nation	Gowest Gold Ltd.	y	y	y		y			y

Phoenix Gold Project		Ontario		Exploration Agreement	2010	Lac Seul First Nation	Rubicon Minerals Corp.	y	y			y		y		
Pickle Crow Property		Ontario		MOU	2009	Mishkeegogamang Ojibway First Nation	PC Gold Inc.	y	y	y					y	
Pickle Lake Properties		Ontario		MOU	2010	Mishkeegogamang First Nation	MetalCORP		y	y		y			y	
Podolsky Mine		Ontario	Producing	IBA	2008	Wahnapiatae First Nation	FNX Mining Company		y	y	y			y	y	
PQ North Property		Ontario		LI	2008	North Caribou Lake First Nation	Premier Gold Mines Ltd.	y	y				y	y		
Project 81		Ontario		MOU	2012	Mattagami First Nation and Matachewan First Nation	Ring of Fire Resources	y	y	y		y		y	y	
Rainy River Gold		Ontario		MOU	2010	Fort Frances Cheifs Secretariat (Rainy River First Nation, Naicatchewenin First Nation, Couchichining First Nation, Nigigoosiminikaaning First Nation, Lac LaCroix First Nation, Seine River First Nation)	Rainy River Resources Ltd.			y				y	y	y
Rainy River Gold		Ontario		Participation Agreement	2012	Naincatchewanin First Nation, Rainy River First Nation, Mitaanjigamiing First Nation, Couchiching First Nation, Lac La Croix First Nation and Seine River First Nation	Rainy River Resources Ltd.	y							y	y
Rainy River Resources Project		Ontario		Participation Agreement	2012	Six members of the Fort Frances Cheifs Secretariat First Nations	Bayfield Ventures Corp.			y						
Red Lake/East Red Lake		Ontario		Exploration Agreement	2013	Webequie First Nation	Aurcrest Gold Inc.									
Ring of Fire - James Bay Lowlands		Ontario		Exploration Agreement	2010	Webequie First Nation	MacDonald Mines Exploration Ltd.									y
Scadding Project		Ontario		MOU	2010	Wahnapiatae First Nation	Trueclaim Exploration Inc.								y	y
Semple-Hulbert Property		Ontario		Exploration Agreement	2011	Kasabonika First Nation	MacDonald Mines Exploration Ltd.	y				y				
Separation Rapids		Ontario		MOU	1999	Wabaseemong Independent Nation of Whitedog	Avalon Ventures Inc.	y	y	y				y		
Severn Project		Ontario		MOU	2002	Attawapiskat First Nation	Navigator Exploration Corp. / Canabrava Diamond Corp.									
Shakespeare Nickel Mine		Ontario		IBA	2007	Sagamok Anishnawbek First Nation	Prophecy Platinum	y	y	y	y			y	y	y

Shaw Dome Nickel Belt Properties (Redstone Mine, McWatters Mine, and Hart Nickel)	Ontario		IBA	2007	Mattagami First Nation, Matchewan First Nation, Wahgoshig First Nation	Liberty Mines Inc.	y	y	y	y				y
Shining Tree Gold Property	Ontario		Exploration Agreement	2009	Mattagami First Nation	Platinex		y		y	y			y
South Bend Property	Ontario		Exploration Agreement	2010	Webequie First Nation	Tribute Minerals Inc.	y			y				
Springpole Project	Ontario		N/A	N/A	Cat Lake, Slate Falls, Lac Seul, Wabauskang and Metis Nation of Ontario	Gold Canyon Resources								
Sudbury Area Exploration (Vale)	Ontario		Exploration Agreement	1999	Sagamok Anishnawbek First Nation	CVRD-Inco (Vale Inco)								y
Sudbury Area Exploration (Vale)	Ontario		MOU	1999	Wahnapiatae First Nation	CVRD-Inco (Vale Inco)		y		y	y			y y
Sugar Zone Property	Ontario		Exploration Agreement	2011	Pic Morbert First Nation	Harte Gold Corp.	y	y	y					y
Taylor Project	Ontario		IBA	2013	Wahgoshig First Nation	St. Andrews Goldfields Ltd.								y
Thierry Mine Project	Ontario		MOU	2008	Mishkeegogamang Ojibway First Nation	Richview Resources	y	y	y					y
Thorne Lake Gold Property	Ontario		LI	2007	Sachigo Lake First Nation									
Timmins Porcupine Project	Ontario		MOU	2013	Flying Post First Nation of Nipigon Nation of Gogama Ontario	Explor Resources	y	y	y		y			y
Timmins West	Ontario		Exploration Agreement	2008	Flying Post First Nation, Mattagami First Nation,	Lake Shore Gold Corp.		y	y					y
Ti-pa-haa-kaaning Property (formerly known as Canopener Property)	Ontario		LI	2010	Neskantaga First Nation	Northern Superior Resources		y	y					y

Traditional Territories of the Red Rock First Nation Band of Lake Helen Reserve		Ontario		Agreement	2012	Red Rock First Nation Band of Lake Helen Reserve #53A	Minfocus Exploration Corp.		y					y		
Traditional Territories of the Whitesand First Nation		Ontario		MOU	2013	Whitesand First Nation	Minfocus Exploration Corp.									y
Victor Project	Diamonds	Ontario		IBA	2005	Attawapiskat First Nation	De Beers Canada Inc		y	y						
Victor Project	Diamonds	Ontario		IBA	2007	Moose Cree First Nation	De Beers Canada Inc	y		y					y	
Victor Project	Diamonds	Ontario		IBA	2009	Fort Albany First Nation & Kashechewan First Nation	De Beers Canada Inc		y	y	y	y			y	
Victoria Project		Ontario		MOU	2011	Sagamok Anishnawbek First Nation	KGHM International /Quadra FNX								y	y
Victoria Project		Ontario		MOU	2012	Atikameksheng Anishnawbek	KGHM International /Quadra FNX	y	y	y	y	y			y	y
WALP Project		Ontario		MOU	2000	Wahgoshig First Nation										
Warren Township Calcium Feldspar Project		Ontario		MOU	2009	Chapleau First Nation on behalf of affected regional First Nations and Aboriginal People	Avalon Ventures Inc.	y			y			y		y
Wellington Property		Ontario		Exploration Agreement	2008	First Nation Community of Summer Beaver	MacDonald Mines Exploration Ltd.		y		y					y
Within the Traditional Territories of Pic Morbert First Nation Project		Ontario		MOU	2009	Pic Morbert First Nation	MetalCORP		y					y		y
Xstrata Nickel		Ontario		Participation Agreement	2008	Wahnapitae First Nation	Xstrata Nickel			y	y				y	
Young-Davidson Project		Ontario		IBA	2008	Matachewan First Nation	AuRico	y	y	y						
Young-Davidson Project		Ontario		IBA	2012	Temagami First Nation and Teme Augama Anishnabi	AuRico		y	y		y			y	
Zeus Site		Ontario		MOU	2012	Eagle Lake First Nation and Wolf Lake First Nation	Matamec Exploration Inc									

Bachelor Lake Mine		Quebec				Waswanipi Cree First Nation										
Bloom Lake Iron Mine		Quebec		IBA		The Uashuannat People, The Innu of Uashat and the Mani-Utenam Communities										
Bloom Lake Iron Mine		Quebec		MOU		Innu Takuaikan Uashat Mak Mani-Utenam										
Hopes Advance Bay		Quebec		LOI		Makivik Corp. (on behalf of the Inuit of Nunavik), Nunavik Landholdings Corporation of Aupaluk										
Isoukoustouc		Quebec		Exploration Agreement		Innu Council of Pessamit										
La Blache		Quebec		Exploration Agreement		Innu Council of Pessamit										
La Rocher		Quebec		MOU		Waswanipi Cree First Nation										
Montviel Rare Earth Project		Quebec				Grand Council of the Crees (Eeyou Istchee)/ Cree regional Authority, the Cree Nation of Mistassini										
Nunavik Nickle Project		Quebec		IBA		Nunaturlik Landholding Corp. of Kangiqsujuaq, Qargalik Nunaturlik Landholding Corp. of Salluit, the Northern Village of Puvimituq, Kangiqsujuaq, Salluit, the Makivik Corp										
Opinaca Project (Eleonore Property)		Quebec		Cooperation Agreement		Cree of Wemindji, Grand Council of the Crees (Eeyou Istchee), Cree Regional Authority										
Raglan Mine		Quebec	Producing	IBA	1995	Makivik Corp., Qarqalik Landholding Corp. of Salluit, Northern Village Corp. of Salluit, Nunaturlik Landholding Corp. of Kangiqsujuaq, Northern Village Corp. of Kangiqsujuaq	Xstrata (previous owner Falconbridge and Makivik Corporation)									
Renard Diamond Project	Diamonds	Quebec	Construction	Impacts and Benefits Agreement	2012	Eeyou-Istchee, Cree Reg. Authority, Cree Nation of Mistissini	Stornoway Diamond Corp.									
Troilus Gold Mine	Gold	Quebec	Producing	IBA	1995	Mistissini Band	Inmet Mining Corporation									
Windfall Lake		Quebec		MOU		Waswanipi Cree First Nation										

Athabasca uranium mines (Cigar Lake, Key Lake, McArthur River, Rabbit Lake)	Uranium	Saskatchewan	Producing	Collaboration Agreement	2012	Northern Village of Pinehouse, Kineepik Metis Local #9	Cameco Corp. and AREVA Resources Canada	Y	Y	Y	y		y	y	y
Athabasca uranium mines (Cigar Lake, Key Lake, McArthur River, Rabbit Lake)	Uranium	Saskatchewan	Producing	Collaboration Agreement	2013	English River First Nation	Areva Resources Canada (Cameco Corp. and Cogema)	Y	Y	Y	y		y	y	y
Beaverlodge	Uranium	Saskatchewan	Decomissioning	Surface Lease Agreement	1985	Government of Saskatchewan	Cameco Corp		Y	Y			y	y	
Black Lake	Uranium	Saskatchewan	Exploration	Exploration Agreement	2006	Black Lake Denesuline First Nation	CanAlask Uranium Ltd.	Y				y			
Candle Lake Diamond Project	Diamonds	Saskatchewan	On Hold	Exploration Agreement	2007	Montreal Lake Cree Nation	Great Western Diamond Corp.		Y	Y		y	y		
Chacachas Project	Potash	Saskatchewan	Exploration	IBA		Chacahas First Nation Alliance	Encanto Potash Corp.								
Cigar Lake	Uranium	Saskatchewan	Construction	Surface Lease Agreement	1987	Government of Saskatchewan	Cameco, AREVA, Idemitsu, TEPCO		Y	Y			y	y	
Cluff Lake	Uranium	Saskatchewan	Reclamation	Impact Management Agreement	1999	Athabasca communities of Black Lake, Fond du Lac and Hatchet Lake Denesuline Nations along with Camsell Portage, Wollaston Lake, Uranium City and Stony Rapids	Areva Resources Canada (Cameco Corp. and Cogema)								
Cluff Lake	Uranium	Saskatchewan	Decomissioning	Surface Lease Agreement	1978	Government of Saskatchewan	AREVA (formerly AMOK)		Y	Y			y	y	
Contact Lake	Gold	Saskatchewan	Closed	Surface Lease Agreement	1991	Government of Saskatchewan	Cameco and UEM		Y	Y			y	y	
Day Star Project		Saskatchewan		MOU		Day Star First Nation Alliance									
Fond du Lac	Uranium	Saskatchewan	Exploration	Exploration Agreement	2006	Fond du Lac Denesuline First Nation	CanAlaska Uranium Ltd.	Y							
Fort a la Corne Area	Diamonds	Saskatchewan				James Smith Cree Nation									
Jasper	Gold	Saskatchewan	Closed	Surface Lease Agreement	1990	Government of Saskatchewan	Cameco and Shore Gold		Y	Y			y	y	

Jolu	Gold	Saskatchewan	Closed	Surface Lease Agreement	1988	Government of Saskatchewan	Golden Rule Resources		Y	Y			y	y	
Key Lake	Uranium	Saskatchewan	Producing	Surface Lease Agreement	1981	Government of Saskatchewan	Cameco and UEM		Y	Y			y	y	
Komis	Gold	Saskatchewan	Closed	Surface Lease Agreement	1996	Government of Saskatchewan	Golden Rule Resources		Y	Y			y	y	
Konuto Lake	Copper	Saskatchewan	Decommissioning	Surface Lease Agreement	1996	Government of Saskatchewan	Hudson Bay Mining and Smelting		Y	Y			y	y	
La Ronge Gold Project	Gold	Saskatchewan	Producing	Surface Lease Agreement	2004	Government of Saskatchewan	Golden Band Resources		Y	Y			y	y	
La Ronge Gold Project	Gold	Saskatchewan	Exploration	MOU	2007	Lac La Ronge Indian Band	Golden Band Resources						y		
McArthur River	Uranium	Saskatchewan	Producing	Joint venture Agreement	1998	Mudjatik Enterprises Inc. on behalf of multiple local aboriginal groups.	Thyssen Mining (Operator)								
McArthur River	Uranium	Saskatchewan	Producing	Surface Lease Agreement	1993	Government of Saskatchewan	Cameco and AREVA		Y	Y			y	y	
McClellan Lake	Uranium	Saskatchewan	Producing	Surface Lease Agreement	1991	Government of Saskatchewan	AREVA, Denison Mines, OURD		Y	Y			y	y	
McClellan Lake	Uranium	Saskatchewan	Producing	Unspecified	1999	Athabasca communities of Black Lake, Fond du Lac and Hatchet Lake Denesuline Nations along with Camsell Portage, Wollaston Lake, Uranium City and Stony Rapids	Areva Resources Canada (Cameco Corp. and Cogema)								
Midwest	Uranium	Saskatchewan	Suspended	Surface Lease Agreement	1988	Government of Saskatchewan	AREVA, OURD, Tenwest Uranium, Redstone Minerals		Y	Y			y	y	
Muskowpetung Project	Potash	Saskatchewan	Exploration	IBA	2007	Muskowpetung First Nation Alliance	Encanto Potash Corp.								
Muskowekwan Area Project	Potash	Saskatchewan	Exploration	Joint venture Agreement	2010	Muskowekwan First Nation Alliance	Encanto Potash Corp.	Y							
Ochapowace Project	Potash	Saskatchewan	Exploration			Ochapowace First Nation Alliance	Encanto Potash Corp.	Y							
Rabbit Lake/Eagle Point	Uranium	Saskatchewan	Producing	Joint Venture Agreement	1999	Mudjatik Enterprises Inc. on behalf of multiple local aboriginal groups.	Cameco Corp								
Rabbit Lake/Eagle Point	Uranium	Saskatchewan	Producing	Surface Lease Agreement	1983	Government of Saskatchewan	Cameco Corp		Y	Y			y	y	
Seebee Gold	Gold	Saskatchewan	Producing	Surface Lease Agreement	1990	Government of Saskatchewan	Claude Resources								
Southeast Saskatchewan		Saskatchewan		MOU		Federation of Saskatchewan Indian Nations									



Star Lake	Gold	Saskatchewan	Closed	Surface Lease Agreement	1986	Government of Saskatchewan	Uranerz, Sask. Mineral Development Corporation		Y	Y				Y	Y	
Star Orion	Diamonds	Saskatchewan	EA	Information Gathering Agreements	2010	Sturgeon Lake First Nation, Metis Nation SK Eastern Region II, Metis Nation SK Western Region II, Red Earth Cree Nation, James Smith Cree Nation, Chakastaypasin Band of the Cree, Peter Chapman First Nation, Muskoday First Nation	Shore Gold Inc.									
Star Orion	Diamonds	Saskatchewan	EA	MOU	2010	Sturgeon Lake First Nation	Shore Gold Inc.		Y	Y				Y		
Star Orion	Diamonds	Saskatchewan	EA	MOU	2010	Metis Nation SK Eastern Region II, Metis Nation SK Western Region II, Sturgeon Lake First Nation	Shore Gold Inc.		Y	Y				Y		
Star Orion	Diamonds	Saskatchewan	EA	MOU	2011	Wahpeton Dakota Nation	Shore Gold Inc.		Y	Y				Y		
Brewery Creek Mine	Gold	Yukon		Socio-economic Agreement		Tr'on dek Hwech'in First Nation										
Dublin Gulch/Eagle Gold Project	Gold	Yukon				First Nation of the Na Cho Nyak										
Faro Mine	Lead/Zinc	Yukon	Remediation	Socio-economic Agreement	1994	Ross River Dena (Kaska Nation)	Anvil Range Mining Corp.									
Grew Creek Project	Gold	Yukon				Ross River Dena Council	Golden Predator Corp.									
Keno Hill Silver District/Bellekeno	Silver	Yukon				First Nation of the Na Cho Nyak	Axlxco Resource Corp.									
Ketza River Project	Gold	Yukon	Exploration	Socio-Economic Participation Agreement	2012	Kaska Dene Council	Yukon Nevada Gold Corp.									
Kudz Ze Kayah	Zinc	Yukon	Exploration	Agreement	1994	Ross River Dena (Kaska Nation)	Cominco Ltd. (Yukon Zinc Corporation)									
Minto	Copper/gold	Yukon	Producing	Surface Lease Agreement	1997	Selkirk First Nation	Sherwood Mining Corp									
Mt. Hundere Mine	Lead/ Zinc/ Silver	Yukon	Closed	Socio-economic Agreement	1991	Kaska Dena First Nation	Mt. Hundere Joint Venture									
Mt. Nansen Mine	Gold/Silver	Yukon	Closed	Socio-economic Agreement	1996	Little Salmon Carmacks First Nation	B.Y.G. Natural Resources Inc.									

Rau Deposit	Gold	Yukon		Exploration Agreement		First Nation of the Na Cho Nyak	ATAC Resource Ltd.									
Regal Ridge Property (Tsa Da Glisza)	Emerald	Yukon		MOU		Ross River Kaska Dena First Nation	True North Gems									
Selwin Project	Zinc	Yukon	Exploration	Interm Socio-Economic Participation Agreement	2012	Kaska Dene Council	Selwyn Resources									
Skukum Properties	Gold/Silver	Yukon		MOU		Carcross/Tagish First Nation	Tagish Lake Gold Corp									
Wolverine	Zinc	Yukon	Advanced Exploration	Socio-Economic Participation Agreement	2005	Ross River Dena (Kaska Nation)	Yukon Zinc Corporation									

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## Appendix B: Local Benefits Approaches by Northern Jurisdictions in the Canadian Resource Sector

### Alberta

Currently, the Alberta government does not engage in socio-economic agreements/plans with resource development proponents directly, nor does it require industry proponents to develop BAs with First Nations communities. While BAs in Alberta are voluntary (and typically private) in nature, the province is moving toward disclosure of information contained within BAs and other agreements. This is now legislated through the *Aboriginal Consultation Levy Act*.

However, Alberta is the only province to legislate a Métis land base and governance system. Although the Province retains mineral rights, it will not provide those rights to a developer without proof of development agreements negotiated between the developer and Métis Settlements. These agreements can include employment and contracting opportunities, equity participation and an overriding royalty in addition to provincial royalties.

In 1990, Alberta passed *The Métis Settlements Act* establishing the Métis Settlement governments and transferring ownership of 1.28 million acres to the Métis Settlements. Alberta Energy, the Métis Settlement General Council, and eight Métis settlements signed a Co-Management Agreement as a schedule under the Act. It formed the basis for the management of the Crown's mineral resources underlying Métis settlement lands and set rules for mineral, oil and gas developments. (On settlements, the surface belongs to Métis Settlement General Council and the settlements but the provincial Crown retains the mineral rights.) The terms of the Co-Management Agreement are worded quite broadly and reference a range of benefits from environmental, socio-cultural, and land use impacts, to employment and business opportunities. It also includes provisions to allow the Settlements to negotiate a royalty, above the provincial royalty, with the successful bidder on a mineral lease, and an equity participation of up to 25% in any development.

These negotiations between the Métis settlement and the successful bidder for mineral rights underlying Settlement lands are outlined in a Development Agreement (as required under *The Métis Settlements Act*). The specifics of these terms and conditions are negotiated between the bidder and General Council. Alberta Energy has no role in the negotiations or the final terms agreed to by the parties. However, the Department will only issue the mineral agreement to the successful bidder upon confirmation that a Development Agreement has been signed.

### **British Columbia**

**British Columbia, a province with relatively few treaties or finalized land claims with its First Nations, is the first province to share direct revenue generated from mining with First Nations.**

In British Columbia, treaties are a recent initiative - most Aboriginal land claims are not yet resolved. The Province implemented its New Relationship policy with First Nations in the late 2000s. The Policy provides a framework where BC and First Nations can work government-to-government to formalize agreements for land and resource management as reconciliation of Aboriginal and Crown titles and jurisdictions.

1. As part of the New Relationship, the Province committed to **share revenue from new mines** with First Nations as a means to create certainty on the land and to make First Nations partners in resource development. There is no cost to industry. Revenue sharing is negotiated on a project-by-project basis with the impacted First Nations in an Economic and Community Development Agreement (ECDA). These are not substitutes for BAs; although private BAs are encouraged, they are not a precondition for project approval.

The ECDA policy is seen as alleviating tensions over revenue sharing between the project proponent and Aboriginal people and providing more certainty for the mining industry. ECDAs share the **direct mineral tax revenue** on **new mines** and major mine expansions. The tax is payable under the *Mineral Tax Act*. Under the agreements, 2% of net current proceeds will be paid to the First Nations until specific expenses are recovered. Then the First Nation will receive a payment of 13% of the net revenue of the operator for the balance of the life of the mine. Because the agreements are for **new** mines, income to the First Nations could take a while to be realized. The agreements might be negotiated beyond these basic terms: for instance, the Ktunaxa First Nation ECDA was signed in January 2013 for new developments in BC's largest coal field, the Elk Valley, and it is the first agreement to incorporate future projects and is not project-specific. The agreement also includes amendments to an existing forest revenue-sharing agreement with commitments to provide future revenues. In 2013-14, the Ktunaxa will receive \$917,000.

2. Aside from ECDAs aimed at mines, Economic Benefits Agreements with the Province of BC provide a First Nation with a share of the revenues generated from **resources development in their Treaty territory**, specifically **coal mining, oil and gas activity and**

**logging.** For instance, BC signed one agreement with the Treaty 8 First Nations (Doig River, Prophet River, and West Moberly) in 2009 to run until 2022. BC provides annual capped payments based on revenue formulas for the three commodities. It signed a similar agreement with the Fort Nelson First Nation in June 2012 to run until 2023.

3. First Nations Clean Energy Business Fund Revenue Sharing Agreements are described in *The Clean Energy Act* in section 20 on the First Nations Clean Energy Business Fund. The purpose of the fund is to promote increased First Nation participation in the clean energy sector within their asserted traditional territories and Treaty areas through agreements between the BC government and the eligible First Nations. Revenue-sharing from clean energy projects is based on new, net, incremental revenues to government derived from water rentals, land rents and, eventually, wind participation rents. The Tahltan Nation First Nations Clean Energy Business Fund Revenue Sharing Agreement is the first such agreement, signed in March 2013, under which the Tahltan will receive a portion of water rentals and land rents charged by the Province for the Forrest Kerr hydroelectric project. Once the project is fully operational, the revenue to the Tahltan is forecast to be approximately \$2.5 million per year over the life of the project.
4. The Nisga'a Final Agreement requires all environmental assessments to "take into account any agreements between a project proponent and the Nisga'a Nation or a Nisga'a Village concerning the effects of the project", encouraging proponents to negotiate BAs.
5. BC Hydro signed three key agreements with the St'át'imc, Tsay Keh Dene and Kwadacha Nations. These agreements address the past, present and future impacts created by the construction and operation of a number of BC Hydro facilities. As an example, the Kwadacha First Nation, the Province and BC Hydro signed a final agreement in 2008 that provides an initial payment of about \$15M and annual payments of approximately \$1.6M. The majority of the initial payment will be used to establish an endowment fund for economic activity.

BC Hydro also enters into benefits agreements with First Nations for impacts associated with specific upcoming capital projects.. For instance, the Cowichan BA provides a 10-year commitment to understanding and reducing the factors that lead to low academic achievement among Quw'utsun students, while agreements with several First Nations provide training, contracting, jobs and other economic opportunities related to the construction of the Northwest Transmission Line.

## **Manitoba**

**Provincial efforts in providing regional and local socio-economic benefits have been primarily through settlement agreements to compensate for adverse effects of developments in the North through Manitoba Hydro, which is both the proponent and a Crown corporation.**

**In 2007, the Northern Manitoba Sector Council was established to address recruitment, training and retention in the resource sector, particularly for Aboriginal people.**

A number of Settlement agreements have been negotiated since 1977 between the Crown corporation and First Nations to resolve and manage ongoing obligations and adverse effects from past developments. The new, current approach is to negotiate agreements between the Crown Corporation and First Nation prior to major project development. Manitoba Hydro's future development strategy includes maintaining an ability to construct hydro power options at the earliest practical opportunity. Aboriginal participation in future development includes:

- broad consultations;
- traditional knowledge included in environmental assessments;
- pre-project training and employment preference;
- contracts with northern Aboriginal businesses;
- negotiation of adverse effects arrangements before construction; and
- potential income opportunities associated with export driven projects, including partial ownership of the projects.

As examples, three such future development agreements are as follows:

1. Wuskwatim Project Development Agreement 2006 between Manitoba Hydro and the Nisichawayasihk Cree Nation. The parties are proposing to develop the 200 MW Wuskwatim generating station in a partnership in which the Cree Nation would own up to 33% of the generating station.
2. Conawapa Generating Station Joint Development Agreement with Manitoba Hydro and Tataskweyak Cree Nation /War Lake First Nation has a focus on social and economic benefit-sharing arrangements related to the proposed construction of a 1485 MW generation station on the Nelson River in Northern Manitoba.
3. The Joint Keeyask Development Agreement signed in 2009 established a partnership of Manitoba Hydro and four Cree Nations to manage construction and operation of the proposed 695 MW Keeyask project on the Nelson River. An Environmental Impact Statement was submitted in July 2012. Work on the Keeyask Infrastructure Project began in early 2012 to get a head start towards future approval of the Keeyask Generating Station, including early business and early employment opportunities for the

Keeyask Cree Nations. The MOU provides for federal/Provincial/First Nation training funding of up to \$45M, employment and contracting preferences, as well as up to 25% ownership for the Keeyask Cree Nations.

Regarding the Northern Manitoba Sector Council, this not-for-profit corporation has worked in partnership with the key resource sectors of mining, forestry and electrical generation, with the employers taking a lead role. Its mandate is to forecast labour trends and requirements, engage school and post-secondary systems to align with industry's needs, and establish linkages among stakeholders. It has helped deliver numerous training programs (employment readiness heavy duty mechanic, and trades qualification), and established the Northern Manitoba Mining Academy.

The Manitoba government has an Aboriginal procurement policy. Furthermore, there are local procurement requirements in construction tenders for road construction east of Lake Winnipeg (20-30 per cent of labour force, depending on type of project).

Through its consultation protocol, Manitoba encourages BAs with First Nations and Métis groups affected by mines, but it does not require them. It is expected that developers will engage Aboriginal communities, incorporate traditional use data into their project planning, and avoid or mitigate adverse effects on the exercise of Aboriginal or Treaty rights. Accommodation measures include any action that may be taken by the Province or the developer, and may include economic benefits, compensation, or decisions by the Province (which may contain conditions that apply to a development).

### **Newfoundland and Labrador**

**The long-standing “principle of adjacency” has been expanded from the fishing industry to include other resources and energy projects: that priority access should be given to those who are closest to the resource.**

**Newfoundland and Labrador in its Energy Plan, *Focusing our Energy*, committed to maximizing the benefits from the development of the Province's natural resources. Both Voisey's Bay mine and Lower Churchill hydro project proponents support this benefits strategy. In the off-shore petroleum sector, the Province and Canada have required proponents to submit social and economic benefit plans since 1985 under the terms of the Atlantic Accord.**

**Voisey's Bay project:** In 2002, the Province and Voisey's Bay Nickel and Vale Inco signed a Development Agreement for the Voisey's Bay project in Labrador. The agreement includes, as schedules, the Mine Lease (surface) and the Industry and Employment Benefits Agreement (IEBA) that targets the provincial population for preference in business and employment

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opportunities (amended in 2009 with the new owner, Vale Inco). Terms in the IEBA enhance local employment benefits and protect the province's resource including:

- Employment and procurement preference for Provincial people during all phases
- Employment targets during construction
- Submission of a Human Resources Plan
- Training - both internal and external
- Quarterly employment and procurement reporting during construction and operations
- Supplier development
- Transport companies (air and marine) to be based in the province with provincial crews
- Acknowledges the BAs already signed, with training to be coordinated with the BA signatories.

The companies, the Government of Canada, Government of Newfoundland and Labrador (GNL), Innu Nation, and the Labrador Inuit Association (LIA -now known as Nunatsiavut Government) had already negotiated terms that would govern how, or if, a mining development would occur. Two separate BAs were signed in 2002: one between Vale Inco and the LIA, the other between Vale Inco and the Innu Nation. The BAs set out the commitments such as employment and training, workplace conditions, business opportunities, revenue sharing, harvesting compensation, shipping to and from the mine, environmental protection, and dispute resolution. As well, a separate Environmental Management Agreement (EMA) was signed between the two Aboriginal authorities, the Government of Canada, and GNL. Under the EMA, a joint environmental management board is responsible for monitoring the effects of ongoing mining project activity and reviewing future exploration and development plans to ensure that the environmental impact falls within the parameters specified in the BA. Two independent environmental monitors have full access to all areas of the mine site.

**Lower Churchill:** The Government of Newfoundland and Labrador (GNL) and Nalcor Energy (a provincial Crown corporation) implemented a Benefits Strategy in 2010 for hydro developments on the Lower Churchill. Hiring protocols will encompass the "adjacency principle" and follow any commitments made in any executed BA, followed by first consideration for employment of Residents who are women or from diversity/disadvantaged groups, then Residents in general. Collective agreements entered into by the company or its primary contractors must be consistent with this protocol. GNL responded to the Report of the Joint Review Panel on the Project in 2012 by saying the project will include compensation to trappers, Aboriginal training and recruitment, maximizing supplier development and partnerships, reporting, establishment of an Environmental Monitoring and Community Liaison Committee, and addressing social issues that might arise. (This would be similar to other jurisdictions' follow-up socio-economic program to the proponent's commitments made during the EA process.)



**Off-shore petroleum:** The federal and NL governments signed the Atlantic Accord in 1985. The Accord provides for co-management and revenue sharing between Canada and NL for off-shore petroleum resources. As well, it also provides for first consideration for provincial residents and businesses in socio-economic benefits of the project. Before a project is approved, the proponent must have a Canada-Newfoundland Benefits Plan approved prior to carrying out any work in the offshore area. This Benefits Plan must provide first consideration for residents of the Province and disadvantaged individuals or groups for training and employment, and must provide first consideration for businesses in supply of goods and services.

**Inuit Government-Industry BAs:** Under the *Labrador Inuit Land Claims Agreement* of December 2005, Inuit Impact Benefit Agreements (IBA) are compulsory between a developer and the Nunatsiavut Government. As well, the Agreement provides the Inuit with revenues from developments on both Inuit and settlement lands and for specific projects:

- For developments on Labrador Inuit Lands, the Nunatsiavut Government is entitled to receive 25% of provincial government revenues from subsurface resources.
- For major developments on Settlement Area lands outside Labrador Inuit Lands with capital expenditures of \$40M or more, the Nunatsiavut Government will receive 50% of the first \$2M and 5% of any additional provincial revenues from subsurface resources.

### Northwest Territories

**NWT has had clearly articulated local benefits policies in place since 1981 for developments, delivered through government-industry socio-economic agreements. The GNWT does not require companies to negotiate BAs with communities or Aboriginal groups and does not play any role in such BAs, which may be prompted by land claims agreements.**

Under legal requirements in the NWT, when a company wants to construct and operate a major project (a mine, a pipeline, or any development of impact on NWT lands) it must seek public input on the project through an environmental assessment or environmental impact review, during which the proponent describes the role of their proposed project in future job creation, business opportunities for local residents. The Government of the Northwest Territories (GNWT) cannot yet set terms for resource development on *federal* Crown land until control of these lands has been transferred in 2014 according to the Northwest Territories Lands and Resources Devolution Agreement. When an environmental assessment or environmental impact review takes place, the GNWT asks the Mackenzie Valley Environmental Impact Review Board to recommend a socio-economic agreement (SEA) as a formal measure in the EA or EIR report to ensure that socio-economic commitments made by the company are fulfilled. These commitments include employment and business opportunities, cultural and community well-being, net effects on government, and sustainable development. SEAs are

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negotiated, implemented and monitored by the GNWT's Department of Industry, Tourism and Investment.

Socio-economic agreements act as umbrella agreements, creating benefits for all northerners in the broader NWT alongside any IBAs that might be negotiated between the proponent and specific communities or organizations. They help GNWT make sure that projects provide sustainable development for government, business and residents. The SEAs require reporting from both GNWT and the proponent.

Six SEAs are in effect to benefit Northern Residents, covering diamonds, minerals, oil and gas. Examples:

- Gahcho Kue - Socio-Economic Agreement (2013 – GNWT and De Beers) De Beers). Employment preference for the Aboriginal authorities, Aboriginal persons, and then NWT residents. Employment objective of 55%; business opportunities objective of 60%.
- Prairie Creek Mine – GNWT Socio-Economic Agreement (2011 – GNWT and Canadian Zinc Corporation). Employment preference for the Aboriginal authorities, Aboriginal persons, and then NWT residents. Employment objective of 60%; business opportunities objective of 60%.
- MacKenzie Gas Project - Socio-Economic Agreement (2007 – GNWT and three gas company proponents) Aboriginal Pipeline Group, created by NWT Aboriginal groups with settled land claims, holds a one-third ownership interest in this project.
- De Beers Socio-Economic Agreement for Snap Lake (2003 - GNWT, De Beers and four Aboriginal signatories). Employment preference for the Aboriginal authorities, Aboriginal persons, and then NWT residents. Employment objective of 60%; business opportunities objective of 70%.

Up until 10 years ago, there were several other government-industry socio-economic agreements in effect that had been established in the 1970s and 1980s in what was NWT (prior to the establishment of Nunavut as an independent territory). The mines are now in Nunavut since its formal establishment in 1993. By 1981, the GNWT had taken over from the federal government the role of management of mineral resources and signing and monitoring socio-economic plans – the Polaris mine's socio-economic plan with GNWT in 1981 was the first such plan and was a condition of AANDC's approval of the Polaris mine.

NWT has five settled land claim agreements in the territory that are constitutionally protected, and these may prompt the negotiation of industry-community BAs:

1. Inuvialuit Final Agreement, 1984 (with western Canadian Inuit) establishes provisions for the negotiation of several types of agreements. The negotiation of a Participation Agreement is mandatory between the proponent and the Inuvialuit Land Administration when permanent access is granted to Inuvialuit lands in order to undertake significant

commercial activities such as mining. A participation agreement can include wildlife compensation, employment, service and supply contracts, education and training, and equity participation. Government of Canada determines procedures and timetables for concluding Participation Agreements.

2. Gwich'in Comprehensive Land Claim Agreement, 1992, requires resource sector consultations to include socio-economic items, although consultations do not necessarily result in obligations.
3. Sahtu Dene and Métis Comprehensive Land Claim Agreement in 1994
4. Salt River First Nation Treaty Settlement Agreement in 2002
5. Tłı̄ch̄ Agreement in August 2003. The Tłı̄ch̄ Agreement is the first combined comprehensive land claim and self-government agreement in the Northwest Territories. The Tłı̄ch̄ received about 39,000 square km of land on which the Tłı̄ch̄ own both the surface and subsurface (mineral) resources. In addition to Tłı̄ch̄ lands, the Tłı̄ch̄

ch̄ will have their own legislative bodies, taxes, and other affairs. This region includes Ekati and Diavik diamond mines.

The parties of the three earliest land claims (listed above) are now negotiating agreements for land, resources and self-government.

On June 25, 2013, the Government of Canada, the GNWT, and participating Aboriginal governments signed the *Northwest Territories Lands and Resource Devolution Agreement*. The Agreement transfers public land, water, and resource management from the federal government to the GNWT and provides the territory with up to 50% of resource revenues from development on public land in the NWT. More local authority over the use of public land and resources, along with increased revenue, will provide greater efficiency and prosperity for the Northwest Territories.

### **Nunavut**

**Nunavut has a development partnership policy for maximum socio-economic benefits to Nunavut residents from large scale resource and infrastructure projects. Proponents have the option of entering into a Development Partnership Agreement, one of the requirements to then earn a fuel tax rebate.**

Development Partnership Agreements are bilateral agreements signed between the Government of Nunavut (GN) and the proponent of a mine development/mineral extraction activity. These are intended to ensure maximum benefits; be mutually beneficial; complement the BA; and provide a framework for GN and proponent to work together. They can be unique

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to the operation and focus on infrastructure, education, employment, business, and community development.

For instance, Meadowbank Mine signed a Development Partnership Agreement with GN in 2007. Commitments include:

- Maximize long term socio-economic benefits
- Development of an employment and training Plan
- Annual reporting to GN
- Development of Business Development Plan
- Identification of project infrastructure needs
- Reporting

**Aside from this approach, the Nunavut Land Claims Agreement provides a tool for the regional government and industry to negotiate socio-economic benefit agreements. It is the largest Aboriginal land claim settlement in Canadian history,** and it is linked to the creation of the Nunavut territory in 1999. Inuit exchanged Aboriginal title to all their traditional land in the Nunavut Settlement Area for the rights and benefits set out in the NLCA, including Inuit title to 350,000 square km (18% of Nunavut) of which about 35,000 square km includes mineral rights. Nunavut Tunngavik Incorporated (NTI) is the Inuit organization that administers Inuit rights granted under the agreement, including mineral and royalty rights. Royalties from mines established prior to the NLCA continue to go to Government of Canada for distribution.

Under Article 26 of the Land Claims Agreement, the proponent of any major development project on Inuit owned lands is required to finalize an Inuit Impact and Benefit Agreement (IIBA) with the applicable Inuit organization (aside from NTI, there are three regional Inuit organizations representing communities in three regions) before the project may commence. Terms are spelled out in the proponent's EA approval from the Nunavut Impact Review Board with benefits proportional to the impact of the project. The Government may accept the IIBA as sufficient to satisfy the Project's mitigation of impacts or provision of benefits to Aboriginal people.

The IIBA must be negotiated and agreed upon between Inuit and the developer, and must be approved by the Minister of Aboriginal Affairs and Northern Development.

- Here again, the Meadowbank Mine is an example – Agnico-Eagle Mines Ltd and Kivalliq Inuit Association signed an IIBA in 2006 and renewed it in 2011. Although all three mineral claims of the mine are on Inuit land, two are grandfathered with royalties going to Government of Canada which forwards them to Nunavut Tunngavik Inc. (NTI), the Aboriginal administration authority for the Nunavut land claim area.

- The proposed Mary River project on Baffin Island will mine Inuit-owned minerals, with permitting and royalties administered by NTI. NTI and the Qikiqtani Inuit Association, one of the three regional Inuit organizations under Nunavut Tunngavik, could earn billions in royalties if the Mary River project goes ahead.

## Ontario

**Ontario currently does not regulate nor have any requirements for socio-economic agreements in the resource sector. However, the newly amended Mining Act requires mineral exploration companies to build positive relationships with local First Nations early on (consultation) – and looks favourably on BAs as a way for the company to do so. As well, the Province is considering developing bilateral initiatives for the Ring of Fire area.**

The government may take into account any exploration agreements or BAs when considering permit applications or filing Closure Plans (ie. mine development).

Ontario recognizes that communities in the Ring of Fire have been seeking a broader scope of participation in potential developments beyond existing environmental assessment and regulatory processes and private impact benefit agreements with companies.

Ontario is considering whether to bilaterally formalize its relationship with communities most proximate to Ring of Fire development. It is also considering engaging in tripartite discussions with the federal government and First Nations on a variety of initiatives, including:

- Socio-economic and community development supports;
- Regional infrastructure planning;
- Regional environmental monitoring of long-term impacts to the Ring of Fire area; and
- Resource revenue sharing. Ontario is prepared to bilaterally negotiate with First Nations most proximate to Ring of Fire developments a specific share, equivalent to a portion of the province's resource revenues associated with new mines in the Ring of Fire region. (Government of Ontario)

In the late 1980s to early 1990s, Ontario and the Government of Canada entered into three trilateral SEAs with local First Nations and mine operators, linked to the Environmental Assessment Act. The agreements provided for employment, contracting, environmental management and compensation to harvesters. Since then, two operations have closed and the remaining Musselwhite agreement was renewed in September 2001 as an industry-First Nations BA without government participation. The new Agreement provides compensation funds for affected groups including trappers, revenue sharing with signatory communities based on monthly production, and working committees to monitor environmental and socio-economic matters. The Agreement sets targets for First Nations training and employment

opportunities at the mine and business development over the long term and beyond the life of the mine. Under the BA, signatory communities were paid more than \$2M in 2005.

Regarding hydro-electric projects, the Amisk-oo-Skow Agreement was signed in 2010 between Ontario Power Generation (previously Ontario Hydro) and the Moose Cree First Nation for a new 5-year, \$2.6B hydro construction project called the Lower Mattagami Project. As settlement money for past flooding, it gives the Cree up to 25% ownership and 25% of revenue. There are commitments for preferential employment during construction, business contracts, training and cultural activities.

### Québec

**Government of Québec promotes, in its mineral strategy and in some agreements, BAs between industry and Aboriginal groups because it views BAs as contributing to a more harmonious development of the province.**

**Québec also has a number of modern, complex land claims agreements and socio-economic agreements in place that created Aboriginal/Northern governance authorities. These authorities are involved in benefit sharing and resource management and some also negotiate BAs with major projects. These agreements are:**

- The James Bay and Northern Québec Agreement (and subsequent agreements)
- The northeastern Québec Agreement
- The economic and social development agreements with the Cree (Paix des Braves Agreement) and Inuit (Sanarrutik Agreement) negotiated in 2002, and with the Naskapi in 2009

### Saskatchewan

**For more than 25 years, the Government of Saskatchewan has encouraged mining companies operating in the northern half of the province to use (and to regularly report on) their 'best efforts' to engage, train, hire and do business with northern residents and northern companies under two required agreements – a surface lease agreement and a training (human resource development) agreement.**

A Mine Surface Lease Agreement is a contract between the Province and each mine operation. It is required for long-term rental of Crown land for mining in Saskatchewan's North. At the same time, it contains a socio-economic section which obligates the mine operator to use best efforts to maximize benefits for Northern Residents, providing for training, employment, contracting, trapper compensation, community vitality and public engagement. In the case of uranium mines, the lease agreement also has sections which reinforce provincial control in the regulation of these sites, which are federally regulated as nuclear facilities. The agreements

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cover all types of mines from uranium to base metal to gold and are in effect from construction through to reclamation. There are 12 agreements in effect – four sites are in decommissioning and eight are operational.

The Province first began to incorporate socio-economic commitments in the lease in the late 1970s at a time when public hearings were being held for proposed new uranium mines. During the public hearings, Northerners voiced their interest in employment and business opportunities at the mines. Socio-economic components were added to address these concerns. In 1985, Saskatchewan compared methods in a number of jurisdictions. As a result of the analysis, it overhauled its agreements, made a uniform template across the industry, and required more reporting and a separate training agreement.

This second required agreement with the Province, the Human Resource Development Agreement, establishes a cooperative approach to maximizing recruitment, training and advancement opportunities for Northern residents at the sites. Since 1993, the planning and funding of mine training in the North has been a collaborative effort between mine operators and government under the Multi-Party Training Plan. Thanks in part to these training initiatives and the mine surface lease agreement, Northerners fill approximately 48 per cent of jobs at northern mines, and northern businesses and joint ventures have secured many millions of dollars in service contracts.

Mine operations in northern Saskatchewan have embraced the intent of these agreements, which has led to the mining industry in northern Saskatchewan becoming industry leaders in Aboriginal employment and business procurement. Mine operations in the rest of the province are generally on private land, not Crown land, and are not required formally by government to maximize local benefits as is the case in the northern half of the province. Local and Aboriginal participation rates between north and south are significantly different.

The public Mine Surface Lease Agreement does not require private BAs to be struck, nor does it prohibit their negotiation nor limit their contents. The mine surface lease agreement provides government with a framework to encourage companies to share benefits more broadly – and requires reports on company progress - while BAs are elective and tend to benefit those communities that are more proximate to the mining development.

Industry-community BAs are not common in northern Saskatchewan, but two have been signed in the past year, and a third is being negotiated in northern Saskatchewan alongside the government mine surface lease agreement. They will provide benefits to 8 of the 56 communities in the North (21 First Nations and 35 municipalities). The first BA – called a “collaboration agreement” – was signed in December 2012 between Cameco and AREVA with the northern village of Pinehouse and its Métis local. The potential value of the agreement is estimated at \$200M over the next 11 years, including jobs and training, business development, community engagement, environmental stewardship, community investment, and direct



payments based on mine production. A second agreement was finalized with the English River First Nation in early 2013. Finally, the two uranium companies are negotiating to update a third agreement signed years ago with the First Nations and municipal communities in the Athabasca region. These three agreements include municipalities as well as Aboriginal authorities, and the agreements extend obligations on both industry and communities' parts for consultations and project support, as long as parties uphold their commitments. While the agreement involving the English River First Nation is confidential, the village of Pinehouse made the full contents of its agreement public in the interests of transparency.

### Yukon

**Currently, the Government of Yukon does not require the mining sector to negotiate government-industry agreements for socio-economic benefits. However, after some federal authorities were devolved to Yukon, including local control over resource management, legislation was put in place that provides benefits to local populations from resource development. Oil and gas legislation requires government-industry benefits agreements, and mining legislation provides for royalty "credits" for companies that invest in communities.**

**Yukon has provision for socio-economic benefits to Northerners for mining under the resource revenue sharing agreements and potential socio-economic impacts are assessed under *Yukon Environmental and Socio-economic Assessment Act (YESAA)*.**

**Oil and gas benefits:** Companies in the oil and gas sector are required to negotiate a Benefits Agreement for projects worth over \$1M in any 12-month period. The guidelines for Benefits Agreements says that parties to the agreement are determined according to the category of land where the activity will take place:

- Category A (settlement or traditional territory) requires the company and the relevant Yukon First Nation as Parties, with the Minister an optional Party.
- Category B (settlement land) requires all three as Parties.
- On Yukon (Crown) oil and gas lands, the company and the Minister are Parties, with the applicable First Nations as optional.

The benefits agreement is a contract that provides benefits proportionate to the scale of the project. The licensee is required to develop an action plan for employment, training and procurement opportunities for Yukon First Nations and other Yukon residents, and outline its monitoring, compliance and reporting.

**Mining Expense Allowance:** Under the *Yukon Quartz Mining Act 2008*, provisions recognize the importance of the mining industry in providing direct benefits to communities. Mine operators can apply annually for a Community and Economic Development Expense allowance that gives



a 'credit' for their contributions to community infrastructure and economic projects. Some examples of projects include funding the construction of waste water treatment facilities, parks, and schools, as well as economic development and education programs, and environmental cleanup projects. Yukon government requires the applicants to report back on the success of the projects.

**Provisions under Land Claims Agreements and YESAA:** Yukon was granted province-like powers in 2003, including control of most public lands, resources on those lands (such as forests and minerals) and water rights. Government of Yukon now collects all associated royalties, rents, and fees. The Umbrella Final Agreement and the subsequent individual final agreements negotiated with First Nations have created First Nations governance authorities with powers equivalent to a province. They are no longer under the jurisdiction of the federal government's Indian Act. The Yukon Government has established government-to-government relationships with all 14 Yukon First Nations to ensure the ability to participate in Yukon resource development.

- The Yukon Umbrella Final Agreement signed in 1993 forms the basis for settlement of outstanding Yukon First Nation land claims. It is not a legally binding document. **The UFA does not contain any provisions that require resource companies to enter into benefits agreements with First Nations.** The UFA does provide for participation in environmental screening, a process that Yukon First Nations helped develop. Under the Umbrella Final Agreement, there are individual Final Agreements with 11 of the 14 Yukon First Nations and most mining companies negotiate a benefit agreement with the First Nation whose traditional territory they are working on.
- Each Yukon First Nation Final Agreement that is negotiated includes all the provisions of the Umbrella Final Agreement along with specific provisions for that First Nation – each one is legally binding. These comprehensive land and claims agreements (modern treaties) have been settled with 11 of the 14 First Nations. Most of the 11 settled claims have negotiated surface and subsurface rights on their lands and are self-governing. The First Nation Final Agreements divide up \$242M and 16,060 sq miles of Settlement Land among the 14 First Nations.
  - 1) Resource Revenue Sharing for First Nations under the Umbrella Agreement
    - a) from directly taxing resource developers on their Category A Settlement Land; and
    - b) from receiving 50% of the first \$2M of the Crown Royalty (except oil and gas) in addition to the First Nation royalties on Category A settlement land, and 10% of any additional Crown royalties over and above First Nation royalties.
  - 2) Economic development opportunity plan
    - a) Each Yukon First Nation's Final Agreement also requires the First Nation and Government to develop an economic development opportunity plan

(government-to-government). Among other details, the plan outlines access to employment and contract opportunities generated from the land and resource management regime.

- 3) Assessment of socio-economic impacts of projects through the Final and individual agreements
  - a) The *Yukon Environmental and Socio-economic Assessment Act* (YESAA) allows local populations to be included in managing local resources through the environmental assessment process. The Act established the Yukon Environmental and Socio-economic Assessment Board (YESAB) as a single environmental and socio-economic assessment process for most projects whether they are on federal, territorial or First Nations lands. Assessments are conducted at arm's length from government, and make recommendations to the government making the decision.

A review of YESAA, undertaken in 2009, identified the absence of clear regulatory tools to assess and mitigate social, economic and cultural impacts from development. Non-regulatory approaches were also not being used to help address these potential impacts.

#### **Other Agreements**

- Hydro - Yukon Energy Project Agreement with First Nation

In 2010, Yukon Energy and Na-cho Nyak Dun First Nation signed a Project Agreement for the Mayo hydro enhancement project. Under the terms, the First Nations invested a few million dollars towards the project's construction. They gained employment and contracting during construction as well as revenue sharing during operations after 2011.

#### **Federal Government**

**The Federal government is expanding its requirements for oil and gas proponents to develop Canada Benefit Plans to maximize northern employment, procurement, and training for the full life-cycle of oil and gas activities in the far North.**

**The Comprehensive Land Claim Agreements give First Nations and Inuit sufficient control over some areas to require an BA for any proposed development in that area.**

The *Canada Oil and Gas Operations Act* (COGOA) regulates exploration, drilling, production and transportation of oil and gas in the Northwest Territories, Nunavut and Arctic offshore. Under this legislation, an operator is required to submit a Canada Benefits Plan to the Minister of Aboriginal and Northern Development Canada (AANDC) for approval. The Benefits Plan is a

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developmental tool for the North, supporting Northern Canadians to improve their social and economic well-being while contributing to Northern development. The development of a Canada Benefits Plan is a necessary condition before the National Energy Board may authorize a company to commence an oil or gas activity.

Canada Benefits Plans commit companies to give first consideration to qualified local Aboriginal and other northern residents and businesses for training, jobs and business opportunities, before expanding these opportunities to other parts of Canada. The proponent is required to report to AANDC on employment, procurement, and training at a level that is appropriate to the duration and complexity of the project – either at project end for short projects or quarterly and annually for more complex projects.

The current northern benefits requirements were established in the late 1980s to assist companies to develop their Canada Benefits Plan for smaller-scale, seasonal oil and gas exploration programs in the North. A lot has changed in the North; in response, AANDC will implement a new Canada Benefits Plan Guidelines for the North in 2013 which will expand the requirement for Plans to encompass companies active in the full life-cycle of oil and gas activities in the North, from exploration, transportation and production through to reclamation and abandonment.

### **Final Agreements in the Territories (modern day treaties)**

Most areas of Canada north of the 60th parallel (Yukon, the Northwest Territories, and Nunavut) are covered by a Comprehensive Land Claim Agreement (CLCA). South of the 60th parallel, there are CLCAs in the northern part of Québec, the northern part of Labrador, and parts of British Columbia. There are currently no CLCAs for areas within Alberta, Saskatchewan, Manitoba, or Ontario.

The three final agreements in Nunavut, NWT and Yukon Territories establish Aboriginal ownership of specified land that is equivalent to fee simple (titled ownership) - subsurface resources are included. On these lands, the Aboriginal groups have nearly complete self-government and control over development decisions. The Labrador Inuit agreement, although not full self-government, provides for revenues from developments. Under their Agreements, First Nation/Inuit are able to control if and how mining can proceed and provide for local consultation and participation in the environmental assessment. The agreements allow First Nations to impose the negotiation of an BA as a requirement for project approval – effectively government-industry agreements.

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- The Nunavut Land Claims Agreement (1993) Article 26 requires that an Inuit Impact and Benefit Agreement (IIBA) be negotiated between the company and a local or regional Designated Inuit Organization prior to the commencement of a “Major Development Project” and outlines the benefits appropriate for inclusion in IIBAs.
  - The Inuvialuit Final Agreement (IFA) (1987) Section 10 in the Northwest Territories requires the negotiation of a Participation Agreement between the proponent and the Inuvialuit Land Administration when permanent access is granted to Inuvialuit lands in order to undertake significant commercial activities such as mining. A participation agreement can include wildlife compensation, employment, service and supply contracts, education and training, and equity participation.
  - The Yukon Umbrella Final Agreement (1993) has no provision that requires resource companies to enter into benefits agreements with First Nations or any other level of government.
  - The Labrador Inuit Land Claims Agreement (2005) requires Inuit Impact Benefit Agreements (IIBA) between a developer and the Nunatsiavut Government for developments on Labrador Inuit Lands and for major developments on Settlement Area lands (outside Labrador Inuit Lands) with capital expenditures of \$40M or more.

<b>Table 1: Types of Approaches</b>	
<b>Jurisdiction</b>	<b>Type of Approach</b>
British Columbia – 12 in effect	1. <b>Resource revenue tax sharing agreements</b> between government and First Nations
Newfoundland and Labrador – 2 in effect (Voisey’s Bay mine and Lower Churchill hydro)	2. <b>Development approval</b> with attached schedules for Crown land lease and Employment Benefits Agreement
<ul style="list-style-type: none"> <li>Northwest Territories</li> <li>Nunavut</li> <li>Newfoundland and Labrador</li> </ul>	3. <b>BAs required by Final Agreements/Land Claims Agreements</b>
Northwest Territories – 6 in effect with diamond and oil companies	4. <b>Stand-alone socio-economic agreement</b> as follow-up program under the environmental assessment and approval process
Nunavut	5. <b>Fuel Tax Rebate</b> - optional (Development Partnership Agreement)
<ul style="list-style-type: none"> <li>Ontario (in new Mining legislation)</li> <li>Québec (encourages)</li> </ul>	6. <b>BAs encouraged</b>
Saskatchewan - 12 in effect	7. <b>Crown land lease agreement</b> with socio-economic requirements & separate training agreement
Yukon – 1 in effect	8. <b>Mine royalty expense allowance</b> - optional for mine operators under legislation (Community and Economic Development Royalty Expense)
<ul style="list-style-type: none"> <li>Yukon - <i>Yukon Oil and Gas Act</i></li> <li>Northwest Territories, Nunavut and Arctic offshore - <i>Canada Oil and Gas Act</i></li> <li>Newfoundland and Labrador – <i>Atlantic Accord Implementation Act</i></li> <li>Nova Scotia – <i>Nova Scotia Accord Implementation Act</i></li> <li>Alberta - <i>Métis Settlement Act</i></li> </ul>	9. <b>Legislated benefits in oil and gas sector</b> for northerners/Aboriginal people or provincial residents (Yukon - Benefits Agreement/ Other territories and Arctic offshore - Canada Benefits Plan/ Canada-Newfoundland and Labrador Benefits Plan/ Canada-Nova Scotia Benefits Plan/Alberta - Development Agreement)
Most provinces. Crown hydro corporations could be considered a proponent and government body in one	10. <b>Hydro project agreements</b> with Aboriginal Communities
<ul style="list-style-type: none"> <li>Alberta (tentative talk of planning resource sector benefits policy in coal mining)</li> <li>Ontario (is prepared to formalize benefits relationships with Ring of Fire communities bilaterally or trilaterally with Federal Govt)</li> </ul>	11. <b>Broad benefits strategy</b> – in effect or planned
<ul style="list-style-type: none"> <li>Manitoba</li> </ul>	12. <b>Northern Manitoba Sector Council</b> , to analyze and build the labour market for northern resource development 13. <b>Manitoba Hydro settlement agreements</b>

**Table 2: Detailed Description of Local Benefits Approaches**

Jurisdiction	Agreement Name	Approach/ Platform/Vehicle	Parties	Benefits
British Columbia	<i>Economic and Community Development Agreements</i>	<b>Mineral tax revenue sharing</b> <ul style="list-style-type: none"> <li>Contract negotiated project by project</li> <li>Sharing tax revenues from new mines</li> </ul>	BC Govt & First Nation <ul style="list-style-type: none"> <li>10 in effect</li> </ul>	Target – First Nation <ul style="list-style-type: none"> <li>BC provides % of mineral tax revenues on NEW mines</li> <li>supports economic opportunity</li> </ul>
	<i>Economic Benefits Agreements</i>	<b>Resource Revenue sharing</b> <ul style="list-style-type: none"> <li>Contract negotiated project by project</li> <li>Sharing mining, oil and gas and logging revenues</li> </ul>	BC Govt & First Nation <ul style="list-style-type: none"> <li>2 in effect with 4 First Nations</li> </ul>	Target – First Nation <ul style="list-style-type: none"> <li>BC provides mining (mostly coal), oil and gas and logging revenues in Treaty territory based on a revenue formula</li> </ul>
	<i>First Nations Clean Energy Business Fund Revenue Sharing Agreements</i>	<b>Clean energy water and land rental revenue sharing</b> <ul style="list-style-type: none"> <li>Contract negotiated project by project</li> <li>Sharing new, net and incremental revenue to govt derived from water, land and wind rents on clean energy projects</li> </ul>	BC Govt & First Nation <ul style="list-style-type: none"> <li>1 in effect for Tahltan signed March 2013 for Forrest Kerr project</li> </ul>	Target – First Nations <ul style="list-style-type: none"> <li>BC provides a portion of new, net, and incremental revenue derived from water rental, land rents and wind rents on clean energy projects</li> </ul>
Newfoundland and Labrador	<i>Voisey's Bay Development Agreement 2002 and amended 2009 and Schedule Industry and Employment Benefits Agreement</i>	<b>Development Agreement</b> <ul style="list-style-type: none"> <li>Contract required for project approval</li> <li>Schedules are attached: 1) Mine Surface Lease Agreement and 2) Industry &amp; Employment Benefits Agreement</li> </ul>	NFLD Govt & mining industry <ul style="list-style-type: none"> <li>(Voisey's Bay Nickel and Inco, now Vale Inco)</li> </ul>	Target - Provincial people during all phases (recognizing Inuit BAs first) <ul style="list-style-type: none"> <li>Employment and procurement</li> <li>HR Plan</li> <li>Training</li> <li>Quarterly employment and procurement reporting during construction and operations</li> <li>Supplier development</li> </ul>
	<i>Lower Churchill Project Impact and Benefits</i>	<b>Impacts and Benefits Agreement.</b> The Innu Nation was	Innu Nation, Innu Band Councils,	Target - prioritized by BA communities, women and diversity groups, then

**Table 2: Detailed Description of Local Benefits Approaches**

Jurisdiction	Agreement Name	Approach/ Platform/Vehicle	Parties	Benefits
	<b>Agreement</b>	<p>given the option of taking an equity position in the Lower Churchill Project or an equivalent royalty and a guaranteed minimum royalty beyond 10 years after sanction</p> <ul style="list-style-type: none"> <li>• Employment and training participation objectives in place for construction and operations</li> <li>• A target of \$400 million in contracts for Innu businesses or a penalty if target is not met</li> <li>• Joint Nalcor-Innu environmental management committee responsible for:                             <ul style="list-style-type: none"> <li>Environmental policies</li> <li>Environmental Management System</li> <li>Consideration of Innu knowledge</li> </ul> </li> <li>• Nalcor and GNL receive a comprehensive release and indemnity from the Labrador Innu related to the construction and operation of the Lower Churchill</li> </ul>	Nalcor Energy, and the Government of Newfoundland and Labrador	<p>provincial residents in general</p> <ul style="list-style-type: none"> <li>• Employment &amp; training</li> <li>• Business opportunities</li> <li>• Trapper compensation</li> <li>• Environmental monitoring</li> <li>• Community liaison</li> <li>• Reporting</li> </ul>
	<b>Canada-Newfoundland and Labrador Benefits Plan</b>	<p><b>Legislated benefits plans</b></p> <ul style="list-style-type: none"> <li>• Required under <i>Canada Newfoundland Atlantic Accord Implementation Act</i></li> </ul>	<p>Operators in offshore petroleum projects in NL</p> <ul style="list-style-type: none"> <li>• Plan submitted to &amp; approved by joint Canada NL board</li> </ul>	<p>Target –NL residents &amp; businesses</p> <ul style="list-style-type: none"> <li>• Employment</li> <li>• Training</li> <li>• Procurement</li> </ul>

**Table 2: Detailed Description of Local Benefits Approaches**

Jurisdiction	Agreement Name	Approach/ Platform/Vehicle	Parties	Benefits
Northwest Territories	<i>Socio-Economic Agreements (SEA)</i>	<b>Stand-alone socio-economic agreement</b> <ul style="list-style-type: none"> <li>Contract required as follow-up monitoring of proponent's commitments in the EA or EIR</li> </ul>	NWT Govt & major project proponent <ul style="list-style-type: none"> <li>6 in effect with mines &amp; oil and gas pipelines</li> </ul>	Target - Northerners <ul style="list-style-type: none"> <li>Employment</li> <li>Training</li> <li>Business Opportunities</li> <li>Community well being</li> <li>Culture</li> <li>Public involvement</li> <li>Reporting</li> </ul>
<ul style="list-style-type: none"> <li>Northwest Territories</li> <li>Nunavut</li> <li>Arctic shore</li> </ul>	<i>Canada Benefits Plan</i>	<b>Legislated benefits plans</b> <ul style="list-style-type: none"> <li>Required under Federal <i>Canada Oil and Gas Operation Act</i> to be approved by AANDC prior to NEB authorization</li> </ul>	Operators in oil and gas projects in NWT, Nunavut and Arctic shore area <ul style="list-style-type: none"> <li>Plan submitted &amp; approved by Federal AANDC</li> </ul>	Target – qualified local Aboriginal and other Northern Residents & businesses <ul style="list-style-type: none"> <li>Employment</li> <li>Training</li> <li>Procurement</li> <li>Reporting</li> </ul>
Nunavut	<i>Development Partnership Agreement</i>	<b>Fuel Tax Rebate</b> <ul style="list-style-type: none"> <li>Optional</li> </ul>	Nunavut Govt & mine developer or mineral extraction industry <ul style="list-style-type: none"> <li>Meadowbank Mine (2007)</li> </ul>	Target – Nunavut residents <ul style="list-style-type: none"> <li>Each is unique and can include employment, training, business, community development benefits</li> <li>Infrastructure needs identification</li> <li>Provide a framework for NG and proponent to work together</li> <li>Reporting</li> </ul>
Saskatchewan	<i>Mine Surface Lease Agreement</i>	<b>Crown Land lease agreement</b> <ul style="list-style-type: none"> <li>Contract with socio-economic &amp; OH&amp;S sections</li> <li>Required for all mine operations in northern Saskatchewan (Crown Land)</li> </ul>	SK Govt & Mine Project Owners <ul style="list-style-type: none"> <li>12 in effect</li> </ul>	Target-Northerners <ul style="list-style-type: none"> <li>Employment</li> <li>Business opportunities</li> <li>Community Vitality monitoring</li> <li>Trapper compensation</li> <li>Public involvement</li> <li>Reporting</li> </ul>
	<i>Human</i>	<b>Human Resource</b>	SK Govt & Mine	Target-Northerners



Jurisdiction	Agreement Name	Approach/ Platform/Vehicle	Parties	Benefits
	<b>Resource Development Agreement</b>	<b>Development Agreement</b> <ul style="list-style-type: none"> <li>Contract required under the mine surface lease agreement</li> </ul>	Project Operators <ul style="list-style-type: none"> <li>8 in effect</li> </ul>	<ul style="list-style-type: none"> <li>Training</li> <li>Employment</li> <li>Reporting</li> </ul>
<b>Yukon</b>	<b>Benefits Agreement</b>	<b>Legislated economic benefits plans</b> <ul style="list-style-type: none"> <li>Required under Yukon <i>Oil and Gas Act</i> Section 68 for projects anticipating costs over \$1M/Yr</li> </ul>	Yukon Govt &/or First Nation & Oil and gas company <ul style="list-style-type: none"> <li>Bilateral or Trilateral depending on land category</li> </ul>	Target – applicable First Nation and other Yukon residents <ul style="list-style-type: none"> <li>Employment</li> <li>Training</li> <li>Procurement</li> <li>Monitoring and reporting</li> </ul>
<b>Yukon</b>	<b>Community and Economic Development Expense Allowance</b>	<b>Mine royalty expense allowance</b> <ul style="list-style-type: none"> <li>Optional under Yukon <i>Quartz Mining Royalty Regulations</i></li> </ul>	Mine operators <ul style="list-style-type: none"> <li>Annual Application to Yukon Govt</li> <li>1 in effect</li> </ul>	Credit for operators' contributions to: <ul style="list-style-type: none"> <li>Constructing, equipping or maintaining community infrastructure</li> <li>Environmental, economic and education programs</li> <li>Schools and parks</li> </ul>

Jurisdiction	Approach/ Platform/Vehicle	Parties	Benefits
<b>British Columbia</b>	<b>Settlement/Final agreements</b> <ul style="list-style-type: none"> <li>3 new agreements in effect plus numerous smaller BAs</li> </ul>	BC Govt & Crown Corp & First Nation	BC Hydro – compensation to First Nations for past or future adverse impacts <ul style="list-style-type: none"> <li>Payments, contracting, employment, infrastructure</li> </ul>
<b>Manitoba</b>	<b>Settlement agreements</b> <ul style="list-style-type: none"> <li>several in effect since 1970s</li> </ul> <b>Development Agreements</b>	Crown Corp & First Nation	Manitoba Hydro– compensation to First Nations for past or future adverse impacts <ul style="list-style-type: none"> <li>Aboriginal ownership &amp; contracting and employment</li> </ul>

	<ul style="list-style-type: none"> <li>• 3 in effect with several First Nations</li> </ul>		
<b>Manitoba</b>	<b><i>Northern Manitoba Sector Council</i></b>	Resource industry employers (mining, forestry, electrical generation), & Province	Analyzes and builds the labour market for northern resource development, primarily through support of training programs, and through establishing a network for exchange of information among key partners
<b>Newfoundland and Labrador</b>	<b><i>Lower Churchill Project Impacts and Benefits Agreement</i></b>	NL Gov, Innu Nation, Innu Band Councils, and Nalcor Energy	See Table 2
<b>Yukon</b>	<b><i>Mayo Hydro Agreement</i></b> <ul style="list-style-type: none"> <li>• 1 in effect</li> </ul>	Crown Corp & First Nation	Yukon Energy: Target – First Nation <ul style="list-style-type: none"> <li>• First Nation ownership &amp; revenues</li> <li>• Contracting and employment</li> <li>• payments</li> </ul>
<b>Ontario</b>	<b><i>Lower Mattagami</i></b> <ul style="list-style-type: none"> <li>• 2 in effect, one for the \$2.6B Mattagami project</li> </ul>	Crown Corp. & First Nation	Ontario Power – compensation to First Nations for past or future adverse impacts <ul style="list-style-type: none"> <li>• Cree ownership &amp; revenues</li> <li>• contracting and employment</li> <li>• Training and culture</li> </ul>

Jurisdiction	Agreement Name	Approach/ Platform/Vehicle	Parties	Benefits
<b>Alberta</b>	<b>The Métis Settlements Act</b> <ul style="list-style-type: none"> <li>• Requires Development Agreement prior to Alberta Energy issuing mineral agreement for oil and gas mineral rights beneath Métis Settlement land</li> </ul>	<b><i>Development Agreement</i></b>	Company that is successful bidder for mineral disposition & Métis settlement	Target – Métis <ul style="list-style-type: none"> <li>• Environmental, socio-cultural, and land use impacts</li> <li>• Employment</li> <li>• Business opportunities</li> <li>• Royalty above the provincial royalty</li> <li>• Equity participation of up to 25% in any development.</li> </ul>
<b>Newfoundland &amp; Labrador</b>	<b>Labrador Inuit Lands Claim</b>	<b><i>Inuit Impact and Benefit</i></b>	Nunatsiavut Govt &	Target – Inuit <ul style="list-style-type: none"> <li>• Revenue sharing from</li> </ul>

<b>Table 4: Modern Treaties/Final Agreements/Land Claims</b>				
<b>Jurisdiction</b>	<b>Agreement Name</b>	<b>Approach/ Platform/Vehicle</b>	<b>Parties</b>	<b>Benefits</b>
	<b>Agreement</b> <ul style="list-style-type: none"> <li>Requires Inuit BA</li> </ul>	<b>Agreement</b>	developer/ major dvmt. proponent	subsurface resources
<b>Northwest Territories</b>	<b>Inuvialuit Final Agreement</b> <ul style="list-style-type: none"> <li>Requires participation agreement</li> </ul>	<b>Participation Agreement</b>	Inuit Land Administration & proponent	Target – Inuit <ul style="list-style-type: none"> <li>4 land claims agreements signed under the Inuvialuit Final Agreement</li> <li>One has resource revenue sharing and the others are re-negotiating this item.</li> </ul>
<b>Northwest Territories</b>	<b>Tłı̄chǫ Agreement</b> <ul style="list-style-type: none"> <li>No BA required</li> </ul>		Aboriginal, territorial and federal government co-manage resources	Target – Tłı̄chǫ people <ul style="list-style-type: none"> <li>Rights to land, co-management of resources, share of resource royalties from NWT</li> </ul>
<b>Nunavut</b>	<b>Nunavut Land Claims Agreement</b> <ul style="list-style-type: none"> <li>Requires Inuit BA to be approved by AANDC before project commences</li> </ul>	<b>Inuit Impact and Benefit Agreement</b>	The Designated Inuit organization & major proponent	Target – Inuit <ul style="list-style-type: none"> <li>Revenues</li> <li>Contracting and employment</li> <li>Training and culture</li> </ul>
<b>Yukon</b>	<b>Yukon Umbrella Final Agreement</b> <ul style="list-style-type: none"> <li>No BA required</li> </ul>	local input in environmental and socio-economic assessments		Target – First Nations <p>11 Final agreements have been signed with Yukon First Nations under the Umbrella Agreement. These provide for</p> <ul style="list-style-type: none"> <li>Resource revenue sharing</li> <li>Economic plans to identify opportunities from resource and land management</li> <li><i>Yukon Environmental and Socio-economic Assessment (YESA) Act</i> requires a single EA process with local input</li> </ul>

## Appendix C: Sources

### Works Cited

Canadian Business for Social Responsibility. (2005). *Building Sustainable Relationships: A Compendium of Leadership Practices in Aboriginal Engagement and Sustainability*.

Canadian Centre for Community Renewal *The Aboriginal Mining Guide*. In collaboration with Tr'ondek Hwech'in and Canadian Northern Economic Development Agency.

Conference Board of Canada, Centre for the North. (2011). *Here, the North Go South, Young Man/Here, the North Money Talks*. Ottawa. [www.CentreForTheNorth.ca](http://www.CentreForTheNorth.ca)

Conference Board of Canada, Centre for the North. (2013). *The Future of Mining in Canada's North*. Ottawa. [www.CentreForTheNorth.ca](http://www.CentreForTheNorth.ca)

*Environments Journal* Volume 35(2). (2007). Impact and Benefit Agreements: A Contentious Issue for Environmental and Aboriginal Justice. By Courtney Fidler and Michael Hitch.

Government of Alberta. *Aboriginal Consultation Levy Act*, R.S.A.B. From [http://www.assembly.ab.ca/ISYS/LADDAR\\_files/docs/bills/bill/legislature\\_28/session\\_1/20120523\\_bill-022.pdf](http://www.assembly.ab.ca/ISYS/LADDAR_files/docs/bills/bill/legislature_28/session_1/20120523_bill-022.pdf).

Government of Newfoundland and Labrador. (2007). *Focusing our Energy, Energy Plan*.

Gratton, Pierre and Tom Ormsby. (December 16, 2012). The Star Phoenix. *Mining Sector Supports First Nations*. Saskatoon

IBA Research Network; [www.impactandbenefit.com](http://www.impactandbenefit.com)

Integrated Environments, Planning, Integration and Management. (2008). *Social and Economic Considerations for the Arctic Marine Shipping Assessment*.

The Mining Association of Canada. Ottawa. [www.mining.ca](http://www.mining.ca).

Mining Industry Human Resources Council. (2012). *Lessons Learned: A Report on the HR Components of Aboriginal Community and Mining Partnership Agreements*.

*Mining, Society, and a Sustainable World*. (2009). Socio-Economic Impacts of the Nanisivik and Polaris Mines, Nunavut, Canada. Chapter 10. Authors: Léa-Marie Bowes-Lyon, Jeremy P. Richards, Tara M. McGee.

Natural Resources Canada. (2012). *Agreements Between Mining Companies and Aboriginal Communities or Governments*. Minerals and Metals Sector. Ottawa; [www.nrcan.gc.ca](http://www.nrcan.gc.ca)

Natural Resources Canada. (March 2011). *Aboriginal Consultation and Regulatory Process Case Study: Victor Diamond Mine*. Ottawa.

Government of Nunavut. Nunavut Land Claim Agreement Act, S. 1993.

O'Reilly, K. A. (1998). *Aboriginal Peoples and Impact and Benefit Agreements: Report of a National Workshop*. Northern Minerals Programme Working Paper 7.

Working Group on Aboriginal Participation in the Economy. (2001) *Strengthening Aboriginal Participation In The Economy*. Report to Federal-Provincial/Territorial Ministers Responsible for Aboriginal Affairs and National Aboriginal Leaders.

Northern Village of Pinehouse website:

<http://www.pineouselake.ca/images/pdf/Collaboration%20Agreement.pdf>

Government of Ontario, Ministry of Northern Development and Mines: <http://www.mndm.gov.on.ca/en/ring-fire-secretariat/first-nations-partnerships>

#### ***Other Sources***

Information about initiatives, Acts and regulations from territorial, provincial, and federal websites or from provincial staff.