

# Recommendation #1: **PERMITTING**

Submitted to Minister Pedersen  
May 5<sup>th</sup>, 2020



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## **Recommendation 1: “Permitting: Single Window Access”**

### **Introduction**

The Committee recommends that the government of Manitoba significantly change the permitting process. Under the current permitting system, it is a deterrent to enter Manitoba as an explorer. It is proposed that the permitting process be significantly altered and that the system be overhauled.

### **Challenges**

The challenges around the permitting process can be broken into three categories (Table 1):

- 1) Dependence on other Departments,
- 2) Time frames around length of permit, time to obtain a permit, and yearly renewal dates, and
- 3) Process of obtaining a permit.

**Table 1:** Challenges identified within the permitting system (Appendix 1).

<b>Dependence on other Departments</b>	<ol style="list-style-type: none"> <li>1) Challenges with Indigenous consultation process</li> <li>2) Lack of coordination with Conservation and Climate</li> <li>3) Lack of process with the Sport, Culture and Heritage Department</li> <li>4) Lack of clarity with work permits in parks</li> </ol>
<b>Time taken to obtain/maintain permits</b>	<ol style="list-style-type: none"> <li>5) Length of permit</li> <li>6) Time to get permit</li> <li>7) Timing of permit</li> </ol>
<b>Process of obtaining a permit</b>	<ol style="list-style-type: none"> <li>8) No exemptions for low impact work</li> <li>9) No guide outlining permitting requirements</li> <li>10) Trigger consultation process for each work permit application</li> <li>11) No centralized online application process</li> </ol>

### **Single Window Access Permitting Model**

The MLCME recommends a **Single Window Access** model for permitting. This “Fit for Purpose” automated system will guide permit applicants through a stepped process. Applicants will be prompted for specific information based on the type of permit they are applying for, which will include prospecting, exploration, and development. Expiry dates for the permits, level of detail required, and permit approval window will be dependent on the level of impact of a project.

This will eliminate delays due to missing or incomplete data during the application process. Lower impact projects will need less detailed information and will be approved quickly. Applicants will have available to them an updated glossary of terms and a standardized set of permit guidelines. This will also eliminate ‘interpretation’ of permit approvals from different district offices as all permit applications will be processed in the same location.



Through the Single Window Access Model, the government will set expectations for permit applicants on community engagement, environmental responsibilities and parameters of approved permits. Applicants will be able to track permit status and amend their permit applications as necessary. Applicants will have all necessary information in digital format and can decide on whether to proceed with a permit application. At this point, permit applicants can also make a judgement as to whether they may expect a delay.

The Committee understands that these changes require a significant overhaul and as a result, will take a considerable amount of time to implement. It is recommended that the changes take place in a series of steps as prioritized in this recommendation. It is imperative that the recommendations are implemented immediately.

### **Recommendations**

The following is a specific list of recommendations:

- 1) **The Minister of Agriculture and Resource Development (“ARD”) to confirm a mandate to prioritize permitting and direct resources to implement single window access model and publicly commits to industry to focus resources on making immediate changes.** The mandate should include inter-departmental cooperation between:
  - Department of Agriculture and Resource Development
  - Department of Conservation and Climate
  - Department of Indigenous and Northern Relations
  - Department of Sport, Culture and Heritage
- 2) **The Minister of ARD be given delegated authority for permit application approval for exploration and mining projects.** The current authority is with Conservation and Climate, leading to many delays with permit approval.
- 3) **Work permits be issued for periods of up to 5 years.** This will allow:
  - i. Flexibility in spending of cash (such as Flow Through Investment Spending),
  - ii. Flexibility when delays occur due to unforeseen circumstances (such as – floods, fires, pandemics), and
  - iii. For a reduction in the time it takes to get a permit (not re-applying over and over).
- 4) **Work permits should expire on the anniversary of the permit grant date.** More specifically, eliminating the standard April 30<sup>th</sup> deadline will lessen impact on administrative staff to process all permits on the same deadline and reduce applicant’s frustration with slow response times.
- 5) **Work permits should be amendable.** In the current system, a simple change in permit requires a new permit which triggers a new consultation process. The recommended process will eliminate project delays due to re-applying for permits when new information becomes available.
- 6) **The government to provide industry with all available information on competing land-use issues including Treaty Land Entitlement Areas, Parks and Protected Areas, Recreation Areas**



(cottage country), First Nation communities signed protocol, and permit delayed areas. It is also important that the government explain why there may be a delay in a timely manner to the applicant. By having the information ahead of time, it will aid the industry applicant in understanding potential delays. By anticipating potential delays, the applicant can have all information in hand prior to applying for a permit. This will require inter-departmental cooperation.

- 7) **Define degrees of impact for exploration and mining projects and streamline the permit approval timelines based on the level of impact.** The impacts should be defined as early stage exploration (sampling, mapping, and geophysical surveying), advanced stage exploration (drilling), and development (bulk sampling, feasibility, etc).
- 8) **Provide industry with a permit guideline handbook and an up-to-date glossary of terms.** This will eliminate the interpretation of requirements from each district office (inconsistencies), define permit approval time, and set expectations by the permit holders based on defined degrees of impact.

The new completed system will provide a measurable level of standard and consistent service for processing applications.

**Staged Approach**

It is imperative that the process to switch to a Single Window Access start immediately. The timeline in Table 2 lays out announcements starting in May, 2020 with the final online rollout in December, 2020.

**Table 2:** Recommended timeline for overhauling the permitting system with respect to mineral exploration and mining in Manitoba.

RECOMMENDATION	2020												
	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC					
	3-9 10-16 17-23 24-30	31-6 7-13 14-20 21-27	28-4 5-11 12-18 19-26 27-1	2-8 9-15 16-22 23-29 30-5	6-12 13-19 20-26 27-3	4-10 11-17 18-24 25-31	1-7 8-14 15-21 22-28	29-5 6-12 13-19 20-26 27-31					
1) ARD to publicly commit to a Mandate of prioritizing the Permitting Recommendations	Prep A												
2) The Minister of ARD be given delegated authority for permit application approvals	Prep A												
4) Work permits should expire on the anniversary of the permit grant date.	Prep A												
3) Work permits be issued for periods of up to 5 years.		Prep A											
5) Work permits become amendable.		Prep A											
6) Define degrees of impact for exploration and mining projects and streamline the permit approval			Prep		A								
7) The government to provide industry with all available information on competing land-use issues.			Prep		A								
8) Provide industry with a permit guideline handbook and an up-to-date glossary of terms.		Prep			A								
LAUNCH SINGLE ACCESS WINDOW FOR PERMITTING						Prep							A



### **Return on Investment**

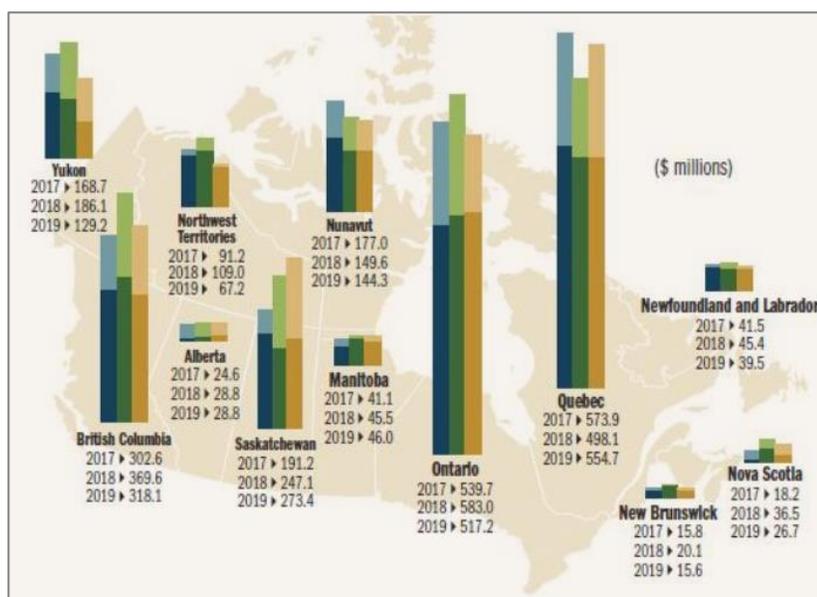
A Single Window Access system would attract companies to invest in Manitoba. Having confidence in the permitting system is extremely important to mining companies and will attract investors and exploration companies to the province.

The cost to changing the system is the cost of changing the parameters around time (i.e. length of permit, time to obtain a permit, etc.) and changes internal to government. There may be a small cost for legal consultation or for hiring a consulting group to help the government efficiently make the changes.

The current hold-ups in the permitting process result in companies NOT being able to readily spend money in the province and as a result, the funds are diverted to projects in other jurisdictions including Saskatchewan and Ontario.

For each claim, which can range in size of 16 to 256 hectares, there is a requirement to spend \$12.50 per hectare per year for the 2<sup>nd</sup> to 10<sup>th</sup> year to keep the claim in good standing (based on qualifying assessment report data) and \$25.00 per hectare per year thereafter. A typical land package of 5 or more claims results in yearly required work of \$16,000 or more. Using the current publicly available claims information, the total minimum spending requirements for 1 year under the current regulations based on active claims can generate up to \$14,411,000. Current permitting hold-ups significantly affect the ability for companies to spend exploration funds in the province of Manitoba.

By streamlining the current permitting process, the government will see an immediate increase in both exploration on claims that are currently held and see an influx of new entrants to the province. By comparison, current total exploration expenditures in the province are estimated at approx. \$56.7 million (~2.7 percent of national total; Figure 1 and Table 3). During the same period, Saskatchewan is expected to welcome \$303 million, Ontario \$470 million, and Nunavut \$116 million in exploration expenditures. Manitoba has lost significant market share but can regain entrants by immediately overhauling the permitting system.



**Figure 1:** Canadian exploration and deposit appraisal expenditures by province and territory, 2017-2019 (NRCan, February 2019 data). Based on reported intentions for 2019, a slight retreat in expenditures is expected to \$2.2 billion. All jurisdictions are forecast to experience reduced levels of spending except Quebec, Saskatchewan, and to a lesser extent, Manitoba. Quebec, Ontario, British Columbia and Saskatchewan are expected to remain the top four spending jurisdictions in 2019.

**Table 3:** Mineral exploration expenditures in Canada (in millions of CAD\$), by province and territory, 2015-2018 annual, 2019 preliminary estimates, 2020 spending intentions (NRCan, February 2020 data).

Prov/ Terr	2015		2016		2017		2018		2019		2020	
	(\$M)	(%)										
N.L.	47.4	2.6	25.4	1.6	41.5	1.9	47.1	1.9	48.6	2.3	65.0	3.0
N.S.	10.1	0.5	5.3	0.3	18.2	0.8	40.4	1.6	35.9	1.7	33.4	1.6
N.B.	8.6	0.5	14.2	0.9	15.8	0.7	25.6	1.0	10.7	0.5	12.2	0.6
QUE	259.5	14.1	297.4	18.3	573.9	26.3	564.8	22.7	432.4	20.7	560.9	26.3
ONT	440.2	23.9	394.3	24.2	539.7	24.7	591.4	23.8	496.7	23.8	469.9	22.0
<b>MB</b>	<b>46.9</b>	<b>2.5</b>	<b>47.3</b>	<b>2.9</b>	<b>41.1</b>	<b>1.9</b>	<b>49.7</b>	<b>2.0</b>	<b>67.4</b>	<b>3.2</b>	<b>56.7</b>	<b>2.7</b>
SASK	257.0	13.9	228.7	14.0	191.2	8.7	261.9	10.5	272.6	13.1	302.6	14.2
ALTB	18.5	1.0	16.7	1.0	24.6	1.1	26.6	1.1	42.3	2.0	48.7	2.3
B.C.	346.3	18.8	231.5	14.2	302.6	13.8	427.9	17.2	351.6	16.8	317.8	14.9
Y.T.	92.2	5.0	90.4	5.5	168.7	7.7	182.3	7.3	139.6	6.7	97.9	4.6
N.W.T.	100.9	5.5	73.0	4.5	91.2	4.2	112.0	4.5	66.3	3.2	52.1	2.4
NVT	215.0	11.7	204.5	12.6	177.0	8.1	155.6	6.3	123.2	5.9	115.7	5.4
<b>Total (CAN)</b>	<b>1,842.4</b>	<b>100.0</b>	<b>1,628.8</b>	<b>100.0</b>	<b>2,185.5</b>	<b>100.0</b>	<b>2,485.2</b>	<b>100.0</b>	<b>2,087.3</b>	<b>100.0</b>	<b>2,132.8</b>	<b>100.0</b>

<https://sead.nrcan-rncan.gc.ca/expl-expl/ExploTable.aspx?FileT=022019&Lang=en>



### **Permitting in Neighboring Jurisdictions**

In **Saskatchewan**, most of the exploration-related permitting (e.g. Surface Access) is handled by the Ministry of Environment. Process and timing of permitting can vary depending on the type of exploration activity. Permits for drilling, for example, typically take a minimum of 3 months turnaround after submission.

In **Ontario**, exploration permits are handled by the Ministry of Energy, Northern Development and Mines, who circulate the permit application including required exploration plan to potentially affected Aboriginal communities requesting their comments. This may lead to proponents' direct participation in the consultation process. The Director of Exploration is required to decide whether to issue the permit within 50 days of the circulation date, which includes posting on an Environmental Registry for 30 days allowing for public review.

### **Job Creation**

It is anticipated that there will be continued job creation. Although it is difficult to predict a quantitative number for how many new jobs will be created, it is clear that the impact will be immediate as current land holders ramp up exploration and new entrants are attracted to Manitoba.

### **Marketing**

Permitting is the highest priority and the most visible change that the government of Manitoba can make. As the changes are made, there should be formal and informal announcements made through online platforms, conferences, and other events. Announcement should be made as soon as possible to attract the attention of the mining industry (Table 2).

### **Anticipated Challenges**

The most significant anticipated challenges will be to roll out the Single Window Access plan in a reasonable timeframe. The industry is looking for immediate change and to gain the most traction, the government needs to make and finalize the changes over the next 8 months. There may be challenges in gaining interdepartmental agreement and commitment and will require several people dedicated to make and roll out the necessary changes.



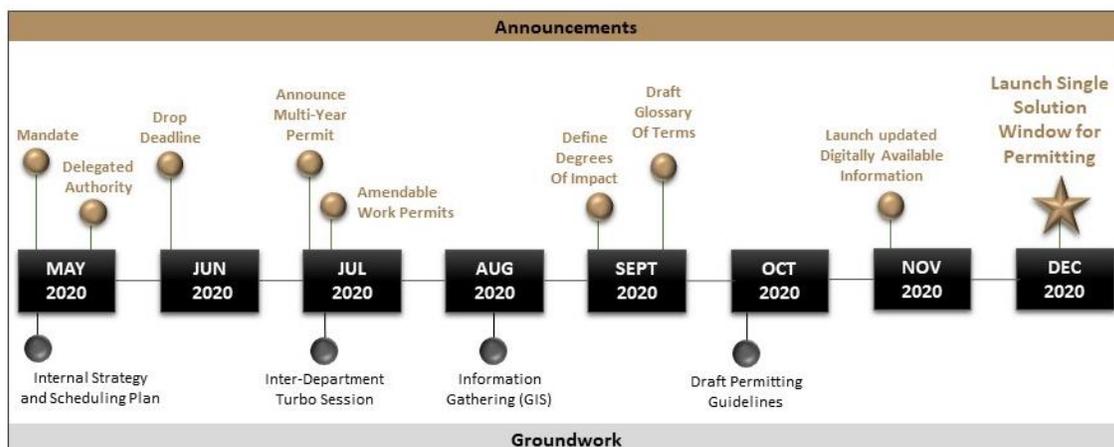
## Summary of Recommendation

It is recommended that a Single Window Access permitting system be implemented for exploration and mining activities. The MLCME recommends the following:

- 1) The Minister of Agriculture and Resource Development (“ARD”) to provide a mandate to prioritize permitting and direct resources to implement single window access model and publicly commits to industry to focus resources on making immediate changes.
- 2) The Minister of ARD be given delegated authority for permit application approval for exploration and mining projects.
- 3) Work permits be issued for periods of up to 5 years.
- 4) Work permits should expire on the anniversary of the permit grant date.
- 5) Work permits should be amendable.
- 6) The government to provide industry with all available information on competing land-use issues including Treaty Land Entitlement Areas, Parks and Protected Areas, Recreation Areas (cottage country), First Nation communities signed protocol, and permit delayed areas.
- 7) Define degrees of impact for exploration and mining projects and streamline the permit approval timelines based on the level of impact.
- 8) Provide industry with a permit guideline handbook and an up-to-date glossary of terms.

The mandate should be made immediately, and changes should be implemented within the first 6 months of making the announcement. The time frame, as summarized in Figure 2, is to implement these changes immediately as these are of high profile and will lay the groundwork for future recommendations.

The return on investment for streamlining the current permitting process will be immediate in terms of the increase on currently held exploration claims, and there will be an influx of new entrants to the province. As a result of increased spending, it is anticipated new jobs will be created and Manitoba will increase its market share of exploration dollars spent in Canada.



**Figure 2:** Recommended schedule of launching a Single Window Access permitting system in Manitoba.

## **APPENDIX 1:**

**Detailed description of the permitting challenges facing the mineral exploration and mining industry in Manitoba and a breakdown of recommendations.**

Challenge	The challenge	Current Responsibility	Recommendations
<b>1: Indigenous Consultation Process</b>	<ul style="list-style-type: none"> <li>The various layers of Indigenous frameworks on the land are not clear to government, industry or communities.</li> <li>Permit approval may be delayed by months or even years without explanation and lack of progress updates.</li> <li>The Manitoba Government released the <i>Manitoba – First Nations Mineral Development Protocol</i> in May of 2019 to help guide the consultation process, however, there is lack of clarity on how the protocol is being implemented and what this means for permit approvals when consultation is required.</li> <li>Treaty Land Entitlement (TLE) areas recently appeared overtop of mineral claims and industry was not notified.</li> </ul>	<ul style="list-style-type: none"> <li>Indigenous and Northern Relations</li> <li>Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>Provide clarity to industry on how the protocol will be implemented and the expected timelines for consultation process.</li> <li>Update available GIS data to include Indigenous land layers such as Treaty Land Entitlement (TLE) areas and include pertinent information on which communities have signed onto the protocol and which communities do not support mineral development. This will ensure that all information can be considered by industry before acquiring a mineral claim or license and applying for a work permit.</li> <li>Develop a digital tracking system to prompt timely updates to a permit applicant on the status of their permit in relation to consultation.</li> </ul>
<b>2: Communication with Conservation and Climate Department</b>	<ul style="list-style-type: none"> <li>Conservation and Climate have delegated authority to approve work permits, however, have a conflicting mandate (focus on conservation).</li> <li>Industry not consulted during designation of new parks and protected areas which often overlap highly prospective geological ground. Parks have additional restrictions which can delay or stop an exploration project from moving forward.</li> <li>Inconsistent requirements with other comparable activities</li> <li>Example: Building recreational trails may not require a work permit yet may greatly impact exploration projects nearby (unable to drill near trails, increased public traffic).</li> <li>Example: Industries such as forestry do not have the same impediments to permitting.</li> </ul>	<ul style="list-style-type: none"> <li>Conservation and Climate</li> <li>Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>Open communication between departments.</li> <li>Industry must be consulted when decisions are made to designate parks and protected areas where mining and exploration activities are occurring.</li> </ul>

Challenge	The challenge	Current Responsibility	Recommendations
<b>3: Process with Sport, Culture and Heritage Department</b>	<ul style="list-style-type: none"> <li>• A proponent may be required to hire a qualified archaeological consultant, from a pre-selected list, to conduct a Heritage Resource Impact Assessment (HRIA). This is at a cost to the proponent and may result in significant delays during the study for low impact projects.</li> <li>• Sport, Culture and Heritage has insufficient knowledge of exploration and resource development. Activities such as prospecting may cause no more impact than hiking or camping.</li> <li>• Lack of communication between Agriculture and Resource Development and Sport, Culture and Heritage departments.</li> </ul>	<ul style="list-style-type: none"> <li>• Sport, Culture and Heritage</li> <li>• Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>• Open communication between departments.</li> <li>• ARD should provide documentation to other departments on the stages of exploration and development with defined degrees of impact.</li> <li>• Prospecting and other low impact activities should not be required to complete an archaeological study provided there are clear rules and guidelines on what should be done if an archaeological discovery is made during field activities.</li> <li>• Industry should have access to knowledge of designated archaeological areas and what may be encountered during field activities in sensitive areas.</li> </ul>
<b>4: Clarity for work permits in Manitoba parks</b>	<ul style="list-style-type: none"> <li>• There are no clear guidelines for requirements to work in parks.</li> <li>• Claim staking can occur in certain parks, although may require an additional work permit, but industry often has delays in receiving the work permit.</li> <li>• If you hold a mineral claim or mineral exploration license you are required to conduct work to comply with the Mines Act yet cannot complete work without required permits.</li> <li>• Inconsistency in requirements and enforcement between different Conservation and Climate district offices (ex. easy to obtain a work permit to explore in Grass River Provincial Park but more difficult to obtain a permit in Nopiming Provincial Park).</li> </ul>	<ul style="list-style-type: none"> <li>• Conservation and Climate</li> <li>• Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>• Industry should be provided a clear set of guidelines for working in a provincial park on a mineral claim or mineral exploration license.</li> <li>• All district offices should be consistent with regards to issuing work permits.</li> <li>• If staking is permissible in a park then a permit to conduct work should not be problematic. If there are additional requirements or concerns about working in a park, they should be clearly stated so that industry can address and mitigate the concerns.</li> </ul>
<b>5: Length of a Permit</b>	<ul style="list-style-type: none"> <li>• Work permits are currently issued for a maximum of 1 year and cannot be renewed; a new permit application is required.</li> <li>• Difficult to complete work applied for in the permit within 1</li> </ul>	<ul style="list-style-type: none"> <li>• Conservation and Climate</li> <li>• Agriculture and Resource</li> </ul>	<ul style="list-style-type: none"> <li>• A work permit should be issued for up to 5 years to fall in line with other jurisdictions such as Ontario, British Columbia and Saskatchewan.</li> <li>• Multiple work permit designations should be available</li> </ul>

Challenge	The challenge	Current Responsibility	Recommendations
	<p>year due to unforeseen challenges such as freeze up/break up, fire bans, flow through spending requirements, lack of personnel available to work.</p> <ul style="list-style-type: none"> <li>Other jurisdictions have adopted multi-year permits, Manitoba lagging behind.</li> </ul>	Development	<p>dependant on their varying degrees of impact.</p> <ul style="list-style-type: none"> <li>Work permits should be amendable. If a work permit has been issued and exploration plans change greatly from the original application, it should not trigger a new application process but rather the ability to amend the original application.</li> </ul>
<b>6: Time to Get a Permit</b>	<ul style="list-style-type: none"> <li>The time to get a work permit varies. Permits can be issued in weeks, months and in extreme cases, years. No fixed timelines to be accountable for.</li> <li>Work permit applications are processed with input from other departments such as Conservation and Climate which adds to the delay.</li> </ul>	<ul style="list-style-type: none"> <li>Conservation and Climate</li> <li>Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>There should be fixed timelines that are adhered to and they should be consistent across departments.</li> <li>Permits should be tracked digitally. People designated to approve work permits should be accountable to the fixed timelines.</li> </ul>
<b>7: Timing of Permits</b>	<ul style="list-style-type: none"> <li>Currently work permit applications are consulted on prior to April 30<sup>th</sup>. This does not work well with the field seasons (spring breakup, loss of winter roads).</li> <li>A permit application ending on April 30<sup>th</sup> can lead to financial penalties for companies who have raised money through Flow Through shares.</li> <li>Uncertainty of whether a permit application will be approved makes it difficult to raise money and turns investors away.</li> </ul>	<ul style="list-style-type: none"> <li>Conservation and Climate</li> <li>Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>Remove arbitrary April 30<sup>th</sup> expiration date.</li> <li>Move to multi-year work permits which will give more confidence to investors and will give company the time to adjust their exploration plans for unforeseen circumstances.</li> </ul>
<b>8: Exemption for low Impact Work</b>	<ul style="list-style-type: none"> <li>Basic prospecting activities which are no more impactful than camping, hiking, fishing or cottager activities require work permits.</li> </ul>	<ul style="list-style-type: none"> <li>Conservation and Climate</li> <li>Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>There should be no requirement to apply for a work permit for low impact activities.</li> <li>Provide industry with guidelines to follow during exploration activities and penalties for those who do not adhere to the guidelines.</li> </ul>

Challenge	The challenge	Current Responsibility	Recommendations
<b>9: Guidelines Outlining Permitting Requirements</b>	<ul style="list-style-type: none"> <li>There are currently no guidelines for industry to follow with regards to permitting requirements. No timelines have been given for the approval process and permits get denied for not having enough information although the required information to include is unknown or uncertain.</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>There should be a guideline document that is easily accessible to industry which includes terminology, timelines and requirements that can be referenced when preparing work permits.</li> <li>Permits should be tracked and placed on a public registry for communities, investors and stakeholders to monitor.</li> </ul>
<b>10: Trigger Consultation Process with Each New Permit Application</b>	<ul style="list-style-type: none"> <li>Time consuming process if doing ongoing exploration work programs.</li> <li>First Nations Community overloaded with permit requests.</li> </ul>	<ul style="list-style-type: none"> <li>Indigenous and Northern Relations</li> <li>Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>Multi-year work permits would alleviate the need to continuously apply and would reduce the number of times that consultation would be needed.</li> <li>Consultation process should be ongoing and should not start and stop with each new permit application.</li> </ul>
<b>11: Centralized Online Application Process Required</b>	<ul style="list-style-type: none"> <li>Currently, the work permit form is filled out in PDF format and emailed to the respective district office. There is little to no instruction on how to fill out the application and no guidelines for permitting requirements. Should an applicant not include enough information to move through the approval process, they are not notified immediately which may further delay the process.</li> <li>Permit applications are not being tracked and timelines are not being applied to ensure that the applications are being reviewed and approved in time for exploration projects to begin.</li> <li>Permit application process is inconsistent across the province.</li> </ul>	<ul style="list-style-type: none"> <li>Conservation and Climate</li> <li>Agriculture and Resource Development</li> </ul>	<ul style="list-style-type: none"> <li>All relevant information should be in one place and easily accessible. Applications should be completed online and should be tracked. Applicants should be notified at each stage of the application process and can amend their applications.</li> <li>Centralized system will ensure that the same requirements are applied to each application.</li> </ul>