



Alternatives North



July 17, 2026

Honourable Caitlin Cleveland
Minister of Industry, Tourism and Investment
Government of the Northwest Territories
Box 1320
Yellowknife NT X1A 2L9

Submitted Electronically

Dear Minister Cleveland:

Re: Public Engagement on the Mineral Resources Act Policy Intentions Part 4

Alternatives North (AN) and Ecology North (EN) welcome the opportunity to provide further input into the development of regulations to implement the Mineral Resources Act (MRA) passed over seven years ago. We have been assisted in our submission by lawyer Julian SpearChief-Morris of Woodward & Co. We note that there has been little improvement in the incorporation of transparency and procedural safeguards into the proposed processes for online map staking, the black-out period and temporary restricted areas (TRAs). Provisions addressing public notice, use of the public registry, public engagement, decision-making timelines, review mechanisms, and reasons for decision are largely absent from ITI's proposed processes and procedures. We have made numerous requests for changes to meaningfully implement transparency and procedural protections in ITI's decision-making processes.

We strongly urge you to clarify what the basis is for the significant change of moving from a later and phased introduction of online map staking to an accelerated implementation of immediate introduction with a black-out period. We have consistently requested that ITI disclose its cross-jurisdictional analysis and make all submissions on the Policy Intentions documents public. This has not happened despite assurances from you in your December 23, 2025 letter to AN and EN.

The introduction of the latest Policy Intentions document states:

"This change is expected to better support the MRA's goals of regulating mineral interests efficiently, effectively, and transparently. It also supports the MRA goals of developing the economy of the Northwest Territories and helping to create benefits from mineral development for Indigenous governments and organizations, communities, and residents."

The policy rationale and underlying assumption here is that mining is the highest and best use of the land and that any and all mineral exploration is good. This is without demonstrating equivalent consideration of the MRA goal to “recognize sustainable land use.” It is not clear whether or how that objective was considered or balanced against the other statutory goals in reaching the decision to accelerate online map staking.

In general, the move to online map staking has the potential to adversely impact those businesses and sectors of the economy that have supported ground staking (i.e., individual prospectors, expeditors, air transport operations, claim post manufacturers and others). We have previously asked for ITI’s analysis of these impacts and not been provided with anything. The move to online map staking also has the potential to create staking rushes and increasingly speculative staking, to the advantage of larger companies that can afford to tie-up large blocks of mining claims. Staking rushes and increased mineral exploration will also lead to increased land use conflicts and cumulative landscape impacts. These risks are particularly significant if the new system permits rapid acquisition of large areas without corresponding safeguards, escalating fees, meaningful work requirements, or advance visibility of affected surface and land-use interests. See our comments on Section 2.0 from Policy Intentions Public Engagement 1 and “*How digital prospectors are staking First Nations land and private property in B.C.*”¹

To avoid staking rushes and environmental disturbances from mineral exploration related to online map staking, there should be a careful balancing of rights and interests of property owners, municipalities, ecological diversity and function, revenues to government, and the objective of building the geoscience knowledge base. A review of the experiences from other jurisdictions that have moved to and adopted online map staking is necessary to identify foreseeable risks, mitigation measures, and lessons learned. Yet, we see no evidence of ITI having conducted this exercise and analysis. In the absence of the requested analysis, the accelerated approach appears to reflect ITI’s promotional mandate and industry preferences more clearly than the MRA’s sustainable-land-use objective. Given ITI’s combined mandate and responsibilities of promoting mining and regulating mineral development, transparent disclosure of the evidence and analysis supporting this policy choice is especially important. Without that, the interests of the mining sector appear to be the drivers of an early and immediate adoption of online map staking.

ITI has not provided any information on how it intends to make map staking consistent with s. 22 of the MRA. Section 22 prohibits a person from entering granted or leased surface lands to prospect or stake a claim without the surface-rights holder’s consent or an access order from the NWT Surface Rights Board. Online recording of a mineral claim is distinct from physical entry onto the surface, and the recording of a claim must not be treated as authorizing surface access. It is not clear whether the online map staking system (OMS) will show surface dispositions, warn applicants where s. 22 may apply, or whether it will distinguish between different types of restricted, protected, withdrawn or otherwise sensitive areas. To avoid land use conflicts and give the Mining

¹ Accessed online at: <https://thenarwhal.ca/bc-online-mineral-staking/>

Recorder the necessary information to allow for the lawful recording of mineral claims, the OMS should clearly identify applicable surface and land-use constraints and require users to acknowledge that acquiring or recording a mineral claim does not confer a right of surface entry.

We are also concerned about the lack of public notice, the absence of public engagement, the lack of a clear commitment to public disclosure of the reasons for decisions, and the possibility of reviewing decisions set out in the proposed TRA process. Without these safeguards, the TRA process risks becoming an open-ended, highly discretionary mechanism that provides uncertain, potentially ineffective protection. This is not consistent with the stated MRA goal to regulate mineral interests in a transparent manner, or with the GNWT [Open Government Policy](#).

We therefore request the following:

- Immediately disclose and publicly release all ITI research, analysis, implementation options, and jurisdictional comparisons used in developing the MRA regulations.
- Provide clarity and details on whether and how the MRA goal to “recognize sustainable land use” was considered and used in this decision-making to immediately adopt map staking.
- Clarify how the economic impacts of the move to online map staking have been assessed. Publicly disclose any analysis of the potential to adversely impact those businesses and parts of the economy that have supported ground staking (i.e., individual prospectors, expeditors, air transport operations, claim post manufacturers and others). Provide details and explain how the proposed fee structure will recover administrative costs, discourage speculative accumulation of claims, and address the economic transition associated with the loss of ground-staking activity.
- Disclose and demonstrate whether and how ITI has carefully balanced the rights and interests of property owners, ecological diversity and function, revenues to government, and building the geoscience knowledge base to avoid staking rushes and environmental disturbances from mineral exploration related to online map staking and the setting of fees. If a review of the other jurisdictions that have moved to online map staking has been done, publicly disclose these findings immediately.
- Provide clarity on exactly what information will be available through the OMS to avoid land use conflicts and allow for the lawful recording of mining claims. This should include requiring OMS to provide a clear warning where a proposed claim overlaps granted or leased surface rights and require the applicant to acknowledge that recording the claim does not authorize physical entry onto the land without any consent or access order required by s. 22 of the MRA.

- Demonstrate a clear commitment to transparency in the TRA process by establishing a clear and enforceable TRA process that includes: eligibility and evidentiary requirements; acknowledgment and completeness review of applications; interim protection against new staking once an application is accepted for consideration; notice to affected Indigenous governments, municipalities, rights holders, and the public; appropriate public engagement opportunities; defined decision-making timelines; written reasons; public-registry posting; and procedures for extensions, revocation, expiry, reconsideration, or review.

We request a formal response to all the points raised in this letter and our attached submission.

Once again, in the interest of transparency and accountability, we request that all the submissions and ITI responses be made public. We have come to expect this standard of transparency from other co-management bodies, and it is consistent with GNWT's own Open Government Policy. No submissions have been made public by ITI to date.

We appreciate this opportunity to provide comments. We look forward to your reply and to further opportunities to provide input on the development of these important regulations. We will also be prepared for our meeting on August 11, 2026.

Sincerely,



Kevin O'Reilly
On behalf of Alternatives North



Dawn Tremblay
On behalf of Ecology North

cc. Department of Industry, Tourism and Investment (ITICommunications@gov.nt.ca)
Intergovernmental Council Secretariat
Clerk, Standing Committee on Economic Development and Environment