

Groundbreaking IIBA and Land Tenure Agreements in Nunavut

By [Julie Abouchar](#), Partner and Certified Environmental Law Specialist; [Carl McKay](#), Associate.
© Willms & Shier Environmental Lawyers LLP.

April 7, 2015

The Kitikmeot Inuit Association (“KIA”) and TMAC Resources Inc. (“TMAC”) signed a 20 year Inuit Impact and Benefits Agreement (“IIBA”) and land tenure agreements on March 30, 2015 for the Hope Bay Belt area in the Kitikmeot Region of Nunavut (the “Hope Bay Belt Agreements”).

The Kitikmeot Inuit Association is a Regional Inuit Authority designated to hold Inuit Owned Lands in the Kitikmeot Region. KIA was represented by its external counsel Willms & Shier Environmental Lawyers LLP with a team comprising John Donihee, Julie Abouchar and Carl McKay.

The Hope Bay Belt Agreements provide an innovative solution to land tenure arrangements on Inuit Owned Lands and marks a departure from benefit and land tenure arrangements for separate deposits which have defined the relationship between Aboriginal landowners and the mining industry.

The Kitikmeot Inuit Association has obtained comprehensive environmental, reclamation and financial certainty for all exploration and mining activities to be conducted by TMAC in the Hope Bay Belt area while providing TMAC with long term land tenure, and financial certainty, which have reduced risk, and increased the likelihood of TMAC obtaining financing, for its proposed mining projects.

Former longtime President of KIA Charlie Evalik stated, “This Agreement has the potential to provide significant employment, contracting, training and other benefits to Inuit of the Kitikmeot Region”. Mr. Evalik oversaw the negotiation and completion of the Hope Bay Belt Agreements.

According to Dr. Catherine Farrow, Chief Executive Officer of TMAC, the comprehensive, 20 year, land tenure agreements for access to Inuit Owned Lands in Nunavut with the Kitikmeot Inuit Association are unprecedented. TMAC is currently exploring three separate known gold deposits in the Hope Bay Belt. The Agreements cover belt-wide activities including potential development of the three known deposits.

The Hope Bay Belt Agreements include:

- A comprehensive land tenure agreement (the “Framework Agreement”) granting TMAC graduated surface land tenure rights to KIA lands in the Hope Bay Belt which will allow for TMAC activities including grassroots exploration, advanced exploration, and mine development and operations.

- An IIBA for the activities on the Hope Bay Belt which addresses socio-economic interests of Inuit in the region, including employment, contracting, and training.
- A Net Smelter Royalty Agreement under which TMAC will grant to KIA a royalty on the net smelter returns arising from its mining activities in the Hope Bay Belt Area.
- A Water and Wildlife Compensation Agreement to provide a process to address potential future claims under Article 20 or Article 6 of the Nunavut Land Claim Agreement.

Julie Abouchar, *BSc., LL.B., LL.M.*, is a partner at Willms & Shier Environmental Lawyers LLP in Toronto and a member of the firm's Northern Team. Julie is certified as a Specialist in Environmental Law by The Law Society of Upper Canada. She has been named annually by her peers to Best Lawyers in Canada, Environmental Law and Energy Regulatory Law and rated Repeatedly Recommended in the Canadian Legal Expert Directory, Aboriginal Law and Environmental Law. She can be reached at 416-862-4836 or by e-mail at jabouchar@willmsshier.com.

Carl McKay, is an associate at Willms & Shier Environmental Lawyers LLP. Carl's practices focuses on providing corporate and commercial legal support to Willms & Shier's renewable energy, clean technology and Aboriginal law groups. Carl may be reached at 416-862-4831 or cmckay@willmsshier.com.

The information and comments herein are for the general information of the reader only and do not constitute legal advice or opinion. The reader should seek specific legal advice for particular applications of the law to specific situations.