

Advanced Exploration Guidelines

Ministry of Environment
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1. Definitions

“Advanced Exploration” (ADEX) refers to a stage in the development of a mineral exploration project where significant work has been done to evaluate the feasibility of extracting resources. At this stage, exploration efforts have moved beyond initial discovery and are focused on more detailed and specific assessments of the size, quality, and economic viability of the resource. This information is typically crucial for gathering the data required for the Environmental Impact Statement and is therefore completed before a Ministerial Decision. ADEX projects involve more complex pollutant control systems, including engineered containment solutions. For examples of potential components of an ADEX, refer to the definition of a pollutant control facility.

“Development” means any project, operation or activity or any alteration or expansion of any project, operation or activity that is likely to:

- (i) have an effect on any unique, rare or endangered feature of the environment;
- (ii) substantially utilize any provincial resource and in so doing pre-empt the use or potential use of that resource for any other purpose;
- (iii) cause the emission of any pollutants or create by-products, residual or waste products which require handling and disposal in a manner that is not regulated by any other Act or regulation;
- (iv) cause widespread public concern because of potential environmental changes;
- (v) involve a new technology that is concerned with resource utilization and that may induce significant environmental change; or
- (vi) have a significant impact on the environment or necessitate a further development, which is likely to have a significant impact on the environment.

(The Environmental Assessment Act 2 (d)).

“Exploration” means the search by any physical or chemical means for minerals.

(Mineral Industry Environmental Protection Regulations 2 (f)).

“Mineral” means any non-living substance formed by the processes of nature that occurs on or under the surface of the ground, irrespective of its chemical or physical state, both before and after extraction, but does not include:

- (i) petroleum;
- (ii) naturally occurring surface water;
- (iii) agricultural soil; or
- (iv) sand and gravel.

(Mineral Industry Environmental Protection Regulations 2 (i)).

“Pollutant control facility” means a facility or area for the collection, containment, storage, transmission, treatment or disposal of any pollutant arising from any mining operations or from the development of or the exploration for any mineral, and includes environmental protection components of:

- (i) a mine or mill;

- (ii) a tailings management area;
- (iii) an ore storage facility;
- (iv) a waste rock disposal area;
- (v) a mine overburden or spoil disposal area;
- (vi) a waste treatment plant;
- (vii) a fuel storage facility;
- (viii) a chemical storage facility;
- (ix) a waste sump;
- (x) a site drainage control;
- (xi) a groundwater dewatering system;
- (xii) any equipment used for exploration; and
- (xiii) all associated machinery and equipment, including pumps, pipes, conveyors, launders and ditches used in connection with facilities or areas mentioned in subclauses (i) to (xii).

(Mineral Industry Environmental Protection Regulations 2 (m)).

2. Scope

This document provides guidance for the regulation of Advanced Exploration (ADEX) projects. Advanced exploration can be considered in cases where data is needed to complete the Environmental Impact Assessment (EIA), or further validation of the resource is required, and can only be gathered by means that need more complex pollutant control facilities or some other unique techniques that are not part of standard exploration practices. Other permits or approvals that may be required for exploration activities, such as complex engineered structures or waterworks with a design flow of more than 18 m³ per day, are outside the scope of this guideline.

The Environmental Assessment Act allows for the completion of feasibility studies, including research and exploration, prior to obtaining ministerial approval to proceed with a development. The Environmental Assessment and Stewardship Branch should be consulted prior to contemplating ADEX activities to confirm the application of the Act to proposed ADEX activities.

ADEX projects are expected to be short-term and have no lasting impact on the environment aside from minor surface disturbance. ADEX projects will have more complex pollutant control facility components, such as engineered containment systems, while exploration projects will not. Please see the definition of a pollutant control facility for examples of potential ADEX components.

ADEX projects should be designed in a manner that does not presuppose the outcome of an EIA. As per 8(1) of *The Environmental Assessment Act*, a proponent shall obtain ministerial approval to proceed with a development, and no person shall proceed with a development until he has received ministerial approval. For this reason, it is imperative that ADEX projects **do not** include project components associated with the proposed development beyond what is explicitly required for the ADEX project itself. Project components should be specifically designed and sized for the ADEX activity. If the proponent decides to proceed with development and intends to continue to reuse ADEX infrastructure, the relevant components must be included in the EIA and shown to comply with best management practices.

Various branches of the Ministry of Environment are involved in ADEX facilities. The Lands Branch issues land dispositions and Crown work authorizations. The Environmental Protection Branch issues ADEX construction and operation approvals as per *The Mineral Industry Environmental Protection Regulations* (MIEPR). The Environmental Assessment and Stewardship Branch oversees the EIA process. Other ministries such as Government Relations, Energy and Resources and Health may also be involved depending on the activities and the site.

3. ADEX Approval Requirements

3.1 Duty to Consult and Engagement

The Government of Saskatchewan is committed to consultation with First Nations and Metis communities in advance of decisions or actions that may adversely impact Aboriginal and Treaty rights. ADEX applications may require the Ministry of Environment to conduct consultation on land dispositions, work authorizations, and/or ADEX infrastructure and

activities. Depending on the activity and relation to the EIA, the proponent may also have consultation obligations.

The proponent should engage with Rightsholders beyond strict consultation obligations as part of relationship building and reconciliation. Other impacted stakeholders such as municipalities, landowners/lessees, etc., that may be impacted by the project should also be engaged.

3.2 Land Disposition Requirements

A land disposition will be required before any construction activities take place. Depending on the situation, a Crown work authorization may be issued as an interim approval while the land disposition for the project is being prepared. It should also be noted that as a project progresses through the project lifecycle, surface dispositions may need to be surrendered in favour of new dispositions which more accurately meet the requirements. Simple changes in areas that are consistent with the current disposition may be amended. Contact the Lands Branch for more information.

3.3 Construction Approval Required

An application for approval to construct is required, pursuant to sections 5 and 6 of MIEPR. All aspects of the pollutant control facilities should be described in the application to construct. ADEX pollutant control facilities are expected to be temporary in nature. If it is anticipated that the ADEX infrastructure will be used for the development, the proponent must demonstrate in the EIA that not only industry best practice is met, but also that the engineered lifespan is appropriate for the planned development lifespan. Only those components and activities directly required for the delivery of the ADEX program should be considered. No other construction or site preparation activities required for the advancement of the development shall be considered as part of the ADEX project. More information on what should be included in a construction application can be found in the [Construction Application Guidance for Facilities Regulated Pursuant to The Mineral Industry Environmental Protection Regulations](#). Contact the Environmental Protection Branch for more information.

3.4 Operating Approval Required

An application for an Approval to Operate Pollutant Control Facilities is required, pursuant to sections 7 and 8 of MIEPR, prior to the operation of any constructed components. For example, waste storage areas may be constructed once construction approval is issued, but no waste can be stored in the facility until a subsequent operating approval is issued. Applications for an approval to operate are expected to describe detailed operational considerations including, but not limited to, the following: operational limits such as freeboard, monitoring programs, maintenance, reporting and inspections. Contact the Environmental Protection Branch for more information.

3.5 Decommissioning Plan and Financial Assurance Fund Required

As per Section 12 of MIEPR, a Decommissioning and Reclamation Plan, along with a cost estimate, must be approved by the ministry, and financial assurance must be secured

before the pollutant control facility can begin operations. Contact the Environmental Protection Branch for more information.

3.6 Other Approval Considerations

Other approval and regulatory considerations are described below:

- An approval to construct and store hazardous materials and waste dangerous goods may be required pursuant to *The Hazardous Substances and Waste Dangerous Goods Regulations*.
- All project-generated waste should be removed and disposed of at an approved landfill and managed as part of a waste management program.
- Aquatic habitat protection permits are required if work is being contemplated on or near water bodies.
- Waterworks and sewage works with design flows of greater than 18 m³ per 24-hour period must be permitted, pursuant to *The Waterworks and Sewage Works Regulations*. Further information can be found on the Water Security Agency website: wsask.ca/water-info/drinking-water/.

The proponent is expected to obtain the appropriate approvals, licenses and permits for proposed activities, including but not limited to the following: timber salvage, tree clearing, stream crossings, work on or near water and water withdrawal. Any commitments or obligations made during the initial engagement and consultation process are the responsibility of the proponent.

4. Transitioning Between Advanced Exploration, Assessment and Development

A clear scope of work must be presented, not only to support Duty to Consult obligations, but also to ensure that a degree of separation is maintained between exploration activities, the ADEX project and the development as proposed under *The Environmental Assessment Act*.

4.1 Transitioning Between ADEX/Assessment and Development

Once ADEX is completed, the ADEX infrastructure may be decommissioned or maintained in care and maintenance while the EIA is underway. ADEX infrastructure is temporary; the development or life of the mine infrastructure is expected to meet or exceed industry best practices. Should the proponent wish to repurpose ADEX infrastructure for the development, the proponent must demonstrate during the EIA that not only is the best industry practice met or exceeded but also that the engineered lifespan is appropriate for the development lifespan.

4.2 Transitioning from ADEX and Not Proceeding

The ADEX project must adhere to an agreed-upon timeline. If the development does not proceed, the EIA is cancelled, or if the minister decides not to approve the project, the ADEX project should be immediately decommissioned in accordance with the accepted Decommissioning and Reclamation Plan.

5. Applicable Legislation and Guidelines

[The Crown Resource Land Regulations](#)

[The Environmental Assessment Act](#)

[The Environmental Management and Protection Act, 2010](#)

[The Mineral Industry Environmental Protection Regulations](#)

[The Provincial Lands Act](#)

[Industrial Source \(Air Quality\) Chapter](#)

[Hazardous Substances and Waste Dangerous Goods Regulations](#)

[First Nation and Métis Consultation Policy Framework](#)

[Construction Application Guidance for Facilities Regulated Pursuant to The Mineral Industry](#)

[Environmental Protection Regulations](#)

[Guidelines for an Environmental Assessment](#)

[Aquatic Habitat Protection Permit Application](#)

[Application to Construct, Install, Alter or Extend a Pollutant Control Facility](#)

[Application for Approval of Decommissioning Plan and Fund](#)

[Application to Operate a Pollutant Control Facility](#)

saskatchewan.ca/business/agriculture-natural-resources-and-industry/mineral-exploration-and-mining/mining-permits

6. Contact Information

Saskatchewan Ministry of Environment

Tel: 1-800-567-4224 (toll-free in North America) or 306-787-2584

Email: Centre.Inquiry@gov.sk.ca

Ministry Business Portal: saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-online-business-portal