

Standing Committee on  
Economic Development  
and Environment



---

# Report on the Prevention and Management of Contaminated Sites

19<sup>th</sup> Northwest Territories Legislative Assembly

Chair: Mr. Jackie Jacobson

**MEMBERS OF THE STANDING COMMITTEE ON  
ECONOMIC DEVELOPMENT AND ENVIRONMENT**

---

Jackie Jacobson  
MLA Nunakput  
Chair

Ron Bonnetrouge  
MLA Deh Cho  
Deputy Chair

Rylund Johnson  
MLA Yellowknife North

Katrina Nokleby  
MLA Great Slave

Kevin O'Reilly  
MLA Frame Lake

Jane Weyallon-Armstrong  
MLA Monfwi

Alternates

Caitlin Cleveland  
MLA Kam Lake

Lesa Semmler  
MLA Inuvik Twin Lakes

February 07, 2023

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Economic Development and Environment is pleased to provide its *Report on the Prevention and Management of Contaminated Sites* and commends it to the House.



Mr. Jackie Jacobson  
Chair, Standing Committee on Economic Development and Environment

**STANDING COMMITTEE ON  
ECONOMIC DEVELOPMENT AND ENVIRONMENT**

**REPORT ON THE PREVENTION AND MANAGEMENT OF  
CONTAMINATED SITES**

**TABLE OF CONTENTS**

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>3</b>
<b>WHY DOES IT MATTER.....</b>	<b>4</b>
<b>ENGAGEMENT PROCESS .....</b>	<b>5</b>
<b>RECOMMENDATIONS .....</b>	<b>5</b>
<b>CONCLUSION .....</b>	<b>17</b>
<b>APPENDIX .....</b>	<b>Notes</b>

**STANDING COMMITTEE ON  
ECONOMIC DEVELOPMENT AND ENVIRONMENT**

**REPORT ON THE PREVENTION AND MANAGEMENT OF  
CONTAMINATED SITES**

**EXECUTIVE SUMMARY**

The Standing Committee on Economic Development and Environment (Committee) identified contaminated sites as a priority for committee to focus on through the life of the 19<sup>th</sup> Assembly. Committee's focus was to ensure the Northwest Territories is well positioned to prevent environmental liabilities and effectively manage contaminated sites. To guide Committee in its review of contaminated sites, several stakeholders were engaged to provide feedback. Some of which presented before Committee, including several briefings from the Government of the Northwest Territories (GNWT). As a result of this review, Committee has provided several recommendations to the GNWT with the intent and purpose to improve the prevention and management of contaminated sites in the NWT.

**Recommendation 1:** The Standing Committee on Economic Development and Environment recommends the Government of the Northwest Territories create a mandatory legislative requirement for companies to operate with approved closure and reclamation plans that are regularly reviewed and updated with appropriate adjustments of financial security.

**Recommendation 2:** The Standing Committee on Economic Development and Environment recommends the GNWT keep closure and reclamation tools up to date and publicly available to ensure the GNWT is collecting enough security to reflect true costs of closure and reclamation.

**Recommendation 3:** The Standing Committee on Economic Development and Environment recommends the GNWT work inter-departmentally with communities and their existing community-based monitoring programs to align monitoring efforts with the surveillance programs required under regulatory permits and licences.

**Recommendation 4:** The Standing Committee on Economic Development and Environment recommends the GNWT ensure it has the internal expertise to inform regulatory decision-making and inspection capacity to prevent further public liabilities.

**Recommendation 5:** The Standing Committee on Economic Development and Environment recommends the GNWT expand the Approach to Contaminated Sites guidance document to ensure policies and processes are in place to prevent future public environmental liabilities, most significantly projects that result in perpetual care

situations. Further policy and guidance with respect to public disclosure are also required.

**Recommendation 6:** The Standing Committee on Economic Development and Environment recommends the GNWT establish the internal capacity for an effective early warning system to prevent further public liabilities. This approach will also require clear measures to prevent perpetual care situations, including mandatory financial security that is regularly reviewed and adjusted.

**Recommendation 7:** The Standing Committee on Economic Development and Environment recommends the GNWT ensure legislation has clear and appropriate timelines for remediation and reclamation of inactive or suspended well sites.

**Recommendation 8:** The Standing Committee on Economic Development and Environment recommends the GNWT study the Government of Saskatchewan, Institutional Control Program and develop an NWT model that better implements the polluter pays principle for the long-term and unforeseen remediation of mining sites while providing regulatory certainty with respect to industry relinquishment. An NWT model should be developed by the end of the 19<sup>th</sup> Assembly.

**Recommendation 9:** The Standing Committee on Economic Development and Environment recommends the GNWT implement transparent and clear processes to ensure that securities are established, reviewed and coordinated among various Departments.

**Recommendation 10:** The Standing Committee on Economic Development and Environment recommends the GNWT review and amend all legislative requirements regarding the form of financial security for environmental compliance and remediation to ensure financial security must be irrevocable, absolute and unconditional.

**Recommendation 11:** The Standing Committee on Economic Development and Environment recommends the GNWT undertake an immediate review of the *Oil and Gas Spills and Debris Liability Regulations* to ensure that the absolute liability caps are increased to fully implement the polluter pays principle, reflect best practices and protect the public from liabilities. This review and increases to the caps should be implemented before the end of the 19<sup>th</sup> Assembly.

**Recommendation 12:** The Standing Committee on Economic Development and Environment recommends the GNWT make financial security information (including operator, land and water related securities, amounts, location of project, form of security, expiry dates) public through a website to help build public confidence in resource management.

**Recommendation 13:** The Standing Committee on Economic Development and Environment recommends the Department of Finance provide a plan with timelines to enhance reporting on the GNWT Environmental Liabilities Dashboard by matching

reporting practices in the Treasury Board of Canada Secretariat's Federal Contaminated Sites Inventory.

**Recommendation 14:** The Standing Committee on Economic Development and Environment recommends the GNWT develop a plan with a budget and schedule to better support communities in the management of landfills, that includes training, capacity building, best practices in waste management, diversion, backhaul and related matters. This plan should be developed by the end of the 19<sup>th</sup> Assembly.

**Recommendation 15:** The Standing Committee on Economic Development and Environment recommends the GNWT explore partnerships with industry and industry associations to provide hands-on practical training for landfill managers across the territory.

**Recommendation 16:** The Standing Committee on Economic Development and Environment recommends the GNWT provide a response to these recommendations within 120 days.

## INTRODUCTION

The Standing Committee on Economic Development and Environment (Committee) of the 18<sup>th</sup> Assembly recommended to its successor to monitor the management of contaminated sites inherited from the Government of Canada and observe how the Government of the Northwest Territories (GNWT) will develop capacity to prevent, manage, remediate and pay for contaminated sites.

Early in the 19<sup>th</sup> Assembly, Committee established a priority on contaminated sites. Committee's focus is to ensure the Northwest Territories is well positioned to prevent environmental liabilities, effectively manage contaminated sites, and stimulate local economic opportunities through remediation.

Committee identified three main areas of concern to be addressed through this priority:

- Prevention: preventing further public liability and implementing a full polluter pays principle
- Management: timely and coordinated assessment and remediation of sites within GNWT control
- Remediation Economy: maximizing the retention of benefits from the remediation of contaminated sites.

Committee presents the following report on the first two areas regarding the prevention and management of contaminated sites in the NWT.

## WHY DOES IT MATTER

A mandate item of the GNWT in the 19<sup>th</sup> Legislative Assembly is to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Committee recognizes this commitment and believes the recommendations provided in this report support the GNWT towards the implementation of UNDRIP.

The impact of contaminated sites on Indigenous people's health, food systems, and way of life is well documented across the country including first-hand experience in the NWT.

Several UNDRIP Articles address Indigenous people's right to lands and natural resources. The Articles below were chosen specifically as they relate to the prevention and management of contaminated sites, of which Committee is focussing the recommendations in this report.

#### Article 29

*“Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources”*

*“States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.”*

*“States shall also take effective measures to ensure...the programs for monitoring, maintaining and restoring the health of Indigenous Peoples [are] developed and implemented by the peoples affected by such materials”*

#### Article 32

*“Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources”*

Further to this, it is imperative that the GNWT improve the prevention and management of contaminated sites for cost avoidance purposes, as the GNWT's environmental liability fund as reported in the Public Accounts has increased by over \$20 million in 2022. It is also essential to protect the NWT environment for the conservation of natural ecosystems and for the vitality of our human health. While the NWT is viewed as a leader in Indigenous led conservation<sup>i</sup>, there is opportunity to advance reconciliation through prevention and management of contaminated sites. The GNWT's approach to contaminated sites needs to be strengthened to ensure those who produce pollution in the NWT bear the costs of managing the impacts. Improving the prevention and management of contaminated sites also assists in implementing the GNWT's Statement of Environmental Values<sup>ii</sup>.



## **ENGAGEMENT PROCESS**

To inform Committee's review several stakeholders were engaged to provide comments and feedback, in addition to Committee's internal research.

Invitational letters to engage with Committee were sent out to targeted stakeholders and invitations extended broadly during public briefings.

The following stakeholders provided public presentations to Committee:

- GNWT, Environment and Natural Resources
- GNWT, Municipal and Community Affairs
- Mackenzie Valley Land and Water Board
- Kavanaugh Brothers Ltd.
- Office of the Regulator of Oil and Gas

All public presentations are included in the Appendix.

Committee also completed site tours at the City of Yellowknife Landfill, Giant Mine site, and various sites around Norman Wells.

Several in-camera briefings were held with the GNWT with staff from the Departments of Environment and Natural Resources, Lands, Finance and Industry, Tourism and Investment to discuss various matters related to contaminated sites, securities and remediation. The Government of Saskatchewan, Institutional Control Program also presented to Committee and that presentation is also included in the Appendix.

## **RECOMMENDATIONS**

### **Preventing the creation of contaminated sites**

Committee is concerned that the GNWT may not have robust and fulsome legislative, and other, tools in place to protect the public from taking on future environmental liabilities.

The NWT has already witnessed several sites that have gone into receivership and caused significant public financial liability, even since Devolution in 2014. When contaminated sites become a financial liability of the GNWT, this also means it becomes a liability of taxpayers. Committee is concerned with financial liabilities the GNWT is accumulating because this is a financial problem that burdens taxpayers. It also means that the limited financial resources the GNWT has to provide healthcare, housing, and supporting residents with the rising cost-of-living are instead being absorbed by the financial cost of cleaning up contaminated sites.

## Strategic Oil and Gas

Strategic Oil and Gas acquired Cameron Hills significant discovery licence and related assets from Paramount Resources Ltd. in 2013. The sour gas field consists of 50 well sites, winter roads, summer all-terrain vehicle trails, a gas and oil gathering system, a central battery, temporary and permanent camps, airstrips, borrow pits and bridges. Strategic Oil and Gas was previously a federal responsibility, the GNWT assumed responsibility over the site under the Devolution Agreement on April 1, 2014 but there was no approved closure plan and no reclamation liability estimate to properly calculate financial security. Production from the project stopped in February 2015 due to economic conditions and commodity prices. Currently the field is in the closure phase.

On April 10, 2019, Strategic Oil and Gas sought and received protection of the *Companies Creditors Arrangement Act (CCAA)*<sup>iii</sup>. On January 28, 2020, Alvarez & Marsal Canada Inc. “*was appointed the receiver and manager without security, of all Strategic Oil and Gas Ltd.’s and Strategic Transmissions Ltd.’s current and future assets,*”<sup>iv</sup>

The outstanding work to abandon forty-four wells and associated infrastructure of the site is detailed on the Mackenzie Valley Land and Water Board public registry. A final approved closure and reclamation plan is still outstanding in addition to work required under the Office of the Regulator of Oil and Gas (OROGO)<sup>v</sup>.

The review process for the closure and reclamation plan determines whether the financial security held by the GNWT is sufficient to cover the work required to remediate, which is still undetermined.

A Request for Proposal (RFP) to facilitate certain well abandonment work on the site closed October 14, 2022<sup>vi</sup>.

The Fourth Report of the Receiver for Strategic Oil and Gas filed November 29, 2022 indicate the government has advanced \$3.78M from January 28, 2020 to November 25, 2022<sup>vii</sup>. The Report also includes the cost estimate to complete the RFP work of which cost estimates for the contract work to complete the NWT Abandonment Plan are blacked out.

However, in review of the 2021/22 Public Accounts the environmental liabilities for the GNWT grew by \$23.4 million from 2021 (67.7M) to 2022 (91.1M)<sup>viii</sup> which was reported to be as a result of Cameron Hills in 2022.<sup>ix</sup>

This \$23.4 million dollar liability will require the Minister of Finance of the 20<sup>th</sup> Assembly to seek approval from the Legislative Assembly to set aside these funds. There may also be additional funds for closure when a plan receives final approval and costs are estimated.

Committee views the liability and financial burden that the GNWT has incurred with sites such as Strategic Oil and Gas demonstrate there are not enough measures in place to prevent the GNWT from allowing or acquiring further contaminated sites in the future.

Committee is concerned that projects in the NWT have closure and reclamation plans that remain unapproved and/or outdated. Committee wants to see mandatory requirements for approved closure and reclamation plans for all projects in the NWT and these plans are to be regularly reviewed with financial security and adjusted as necessary.

**Recommendation 1:** The Standing Committee on Economic Development and Environment recommend the Government of the Northwest Territories create mandatory legislative requirement for companies to operate with approved closure and reclamation plans that are regularly reviewed and updated with appropriate adjustments of financial security.

### Cantung Mine and Mactung Property

Cantung Mine is located in the Deh Cho region close to the Nahanni National Park Reserve, the Mactung property is located 160 kilometres northwest of Cantung on the NWT/Yukon border. Mactung is home to one of the world's largest undeveloped concentrations of tungsten<sup>x</sup>.

On June 9, 2015, North American Tungsten Company Limited's (NATCL) entered into creditor protection under the CCAA. The court appointed monitor put the property (Cantung Mine and Mactung property) up for sale and received no bids<sup>xi</sup>.

On February 25, 2016, the Minister of Finance tabled a special warrant of \$4.5 million for the purchase the mineral claims and leases on the Mactung property<sup>xii</sup>.

The GNWT stated the rationale for purchasing the property was to protect the economic value of the tungsten deposit for future development and helped to assure that Canada would take responsibility for the Cantung Mine. The GNWT and Canada then attempted to sell the properties together, however on June 7, 2022, the NWT accepted a letter of offer from Fireweed Zinc Ltd. to acquire its Mactung property. The GNWT states an additional \$475,909 was invested in the property for remediation, permitting and marketing.

The federal government has responsibility for Cantung and paid \$32.4 million during the same period towards wages, clean up work, consultants, fuel, insurance and other associated costs<sup>xiii</sup>.

The Cantung Mine receiver is still finalizing the Interim Reclamation and Closure Plan, with a deadline to re-submit a revised plan by August 1, 2023, or six months before resuming operations (whichever comes first)<sup>xiv</sup>.

The GNWT agreed to sell 100% of the ownership of Mactung for a total purchase price of \$15,000,000<sup>xv</sup>.

Fireweed and the GNWT have signed a Letter of Intent under which the GNWT will sell the Mactung Project to Fireweed staged as follows<sup>xvi</sup>:

1. Fireweed pays GNWT sum of \$1.5M upon execution of binding Letter of Intent
2. Fireweed will pay GNWT additional \$3.5M within 18 months upon finalization of definitive agreement
3. Fireweed will pay GNWT additional \$5 M upon announcing intention to construct a mine on Mactung Project or any portion of mineral property interests
4. Fireweed will pay GNWT additional \$5 M upon announcing intention to construct a mine on Mactung project.

Committee remains concerned about the status of the Mactung site and potential future environmental liability on the GNWT. Committee is concerned that the tools the GNWT uses to determine financial security on projects may not be adequate.

The Guidelines for Closure and Reclamation Cost Estimates for Mines were last updated in 2017<sup>xvii</sup>. The RECLAIM model used by regulators to determine the amount of security to be collected for projects was also last updated in November 2017. Currently inflation is at 6.9%<sup>xviii</sup> with large increases in construction and mobilization costs due to the pandemic, supply chain issues, and rising fuel and supply costs. Committee is concerned that guidelines and tools to assess security may not reflect current economic conditions.

Committee is also concerned about the legislative tools in place to determine the adequacy of financial security for the life of a project. Committee is concerned that as projects become operational, economic changes or other changes, including unforeseen circumstances, may change the total reclamation security required. Committee wants to ensure that the security held on sites by the GNWT which are collected at the beginning of a project are adequate throughout the life of the project. The security collected at the beginning of a project may not reflect the security required at another point in time during the life of the project. Committee believes mechanisms should be in place to require the GNWT to regularly review the amount of the security held for a project against the current financial health of the company and the current status of the project.

**Recommendation 2:** The Standing Committee on Economic Development and Environment recommends the GNWT keep closure and reclamation tools up to date and publicly available to ensure the GNWT is collecting enough security to reflect true costs of closure and reclamation.

Committee is also concerned with the technical representation of GNWT experts in regulatory proceedings, such as the regulatory proceeding to approve closure and reclamation plans.

For example, Committee particularly felt the GNWT should make a commitment to transparency and evidence-based decision making within the Environmental Assessment process for major projects. The Tłıchq All-Season Road Environmental Assessment and Regulatory Processes – Lessons Learned Report notes, “*A Whole of Government approach, particularly in the context of a public review process, cannot be successful without an explicit commitment to greater transparency and evidence-based decision-making*”<sup>xi</sup>. Committee wants to ensure that experts within the GNWT through a whole of government approach are provided the authority to present their evidence and expert opinions within the regulatory process.

## Inspection and Enforcement

Committee is concerned about the capacity of GNWT Departments to coordinate and manage inspections, compliance and enforcement efforts. Committee believes there are opportunities across the GNWT to improve coordination of compliance efforts. For example, the GNWT should recognize community-based monitoring programs and work with communities to align the community-based monitoring efforts with the surveillance programs required by regulatory approvals.

**Recommendation 3:** The Standing Committee on Economic Development and Environment recommends the GNWT work inter-departmentally with communities and their existing community-based monitoring programs to align monitoring efforts with the surveillance programs required under regulatory permits and licences.

Enforcement capacity of inspectors was highlighted as a challenge in public presentation to Committee specifically in regard to:

- the need for increased funding for officer travel
- the value of a centralized enforcement agency
- the capacity of communities to address orders issued as a result of inspections

Committee is not convinced whether the GNWT has the capacity for rigorous inspections and enforcement to prevent and minimize accidents and malfunctions that may lead to public liabilities. “*Ensuring adequate inspector capacity, as well as timely and transparent inspections, reporting and follow-up*” was noted as a concern in the 2020 Environmental Audit<sup>xx</sup>.

Committee also notes a recent example in Norman Wells<sup>xxi</sup>, that highlights the challenges of managing hazardous waste in communities and the gaps in GNWT compliance and enforcement efforts.

Committee remains concerned that the GNWT may not have the tools to set comprehensive security, that internal expertise to inform regulatory decision making may not always be prioritized, and for operating projects, inspections and compliance capacity may be lacking.

**Recommendation 4:** The Standing Committee on Economic Development and Environment recommends the GNWT ensure it has the internal expertise to inform regulatory decision making and inspection capacity to prevent further public liabilities.

### Giant Mine

Giant Mine operated from 1948 until abandonment in 2005. Giant Mine was a gold roasting operation that produced arsenic trioxide as a by-product, a proven human carcinogen. Some of the emissions were captured as dust and blown underground into mined out areas.

The legacy is 237,000 tonnes of arsenic trioxide buried on the outskirts of Yellowknife. Giant Mine is one of the largest and most contaminated sites in Canada, with a cost estimate of \$4.38 billion, it is expected to be one of the most expensive federal environmental remediation sites in the country's history<sup>xxii</sup>. GNWT did not require any financial security for its surface lease covering this operation and thus assumed some financial responsibility for the site. This was resolved through a \$23 million contribution to site remediation through the 2005 Cooperation Agreement .

Although it remains federal responsibility, the federal and territorial governments are acting as co-proponents in the development and implementation of a remediation plan.

Committee is very concerned that despite the progress to advance a remediation plan on this site a policy framework and necessary legislative and regulatory guidance to prevent or minimize perpetual care outcomes from industrial and commercial operations are still lacking.

In order to manage this site, as well as all the other contaminated sites in the NWT under territorial responsibility the GNWT has developed an Approach to Contaminated Sites guidance document<sup>xxiv</sup>. Through the life of the 19<sup>th</sup> Assembly, Committee has repeatedly suggested the GNWT create more detailed information and guidance for implementation of this Approach. Committee believes policies and procedures are needed to guide inter-departmental coordination across the GNWT to adequately manage contaminated sites. Committee sees the Approach to Contaminated Sites also lacking in the identification of roles and responsibilities for departments, funding and a schedule or workplan to reduce environmental liabilities. There is also no role for the public in the Approach or commitment to the disclosure of information.

**Recommendation 5:** The Standing Committee on Economic Development and Environment recommend the GNWT expand the Approach to Contaminated Sites guidance document to ensure policies and processes are in place to prevent future public environmental liabilities, most significantly projects that result in perpetual care situations. Further policy and guidance with respect to public disclosure is also required.

### **Early Warning System**

Committee wants to see “Early Warning Systems” in place in legislation. The Minister of Environment and Natural Resources affirmed Committee’s concerns around the need for early warning measures by acknowledging in a public briefing ‘*there could be risks with developed sites over time*’<sup>xxv</sup>.

Committee believes the GNWT needs to review policies and procedures to ensure mechanisms exist to proactively monitor GNWT liability, such as, reviewing the financial health of operators and any institutions connected to or backing financial security.

Expertise is required to monitor the financial health of industrial operators and their security providers to establish an effective early warning system.

Committee wants to see mandatory financial security, that is regularly reviewed and adjusted as necessary (including the recognition and encouragement of progressive reclamation).

**Recommendation 6:** The Standing Committee on Economic Development and Environment recommends the GNWT establish the internal capacity for an effective early warning system to prevent further public liabilities. This approach will also require clear measures to prevent perpetual care situations, including mandatory financial security that is regularly reviewed and adjusted.

### End of Life Obligations

Following the *Redwater* Supreme Court of Canada case<sup>xxvi</sup>, Committee is concerned when a company sells a property, that the liabilities associated with the site are lumped into sales and the new owner might take only the minimum amount of remediation, care or maintenance of these sites to maintain compliance with the sale.

The *Redwater* case is an example where funds held may not be enough to fully address all end-of-life obligations.

Committee of the 19<sup>th</sup> Assembly concurs with observations from the Standing Committee of the 18<sup>th</sup> Assembly in recognizing the *Redwater* case and decisions that relate to financial responsibility should be consistent with recent court decisions. Consideration should be given to recent court decisions and best practices to ensure the GNWT and the public are protected from potential liabilities arising from resource development projects.

**Recommendation 7:** The Standing Committee on Economic Development and Environment recommends the GNWT ensure legislation has clear and appropriate timelines for remediation and reclamation of inactive or suspended well sites.

Committee acknowledges the end-of-life solution the Government of Saskatchewan has developed and implemented for mining projects.

The Government of Saskatchewan's Institutional Control Program provides a regulatory process to allow mining companies that meet prescribed conditions to transfer the site responsibility back to the Crown. Mining companies provide a financial assurance and pay into two funds for the Government of Saskatchewan management of closed sites (one for regular and ongoing care and maintenance and the other fund for unforeseen events and malfunctions). Committee acknowledges this program provides certainty and finality to companies while also providing clarity to government regarding responsibility, risk and financial controls.

Although it is in the early stages of implementation, Committee believes there is merit in the Institutional Control Program. Committee believes a clear process should be established to recognize when industry is no longer liable for sites after remediation while implementing the polluter pays principle. Public presenters to Committee also identified that the NWT lacks a relinquishment process for industrialized activities. Committee would like to see the NWT develop and implement a process for relinquishment for industry while maintaining resources that provide for perpetual care and unforeseen situations.

**Recommendation 8:** Standing Committee on Economic Development and Environment recommends the GNWT study the Government of Saskatchewan, Institutional Control Program and develop an NWT model that better implements the polluter pays principle for the long-term and unforeseen remediation of mining sites while providing regulatory certainty with respect to industry relinquishment. An NWT model should be developed by the end of the 19<sup>th</sup> Assembly.

## Securities

Because land and water securities are held by different departments, Committee is concerned about the coordination of securities for land use permits, surface leases and water license securities. Committee is concerned that coordination of securities on permits, licenses and leases may inadvertently result in double-counted or under-secured liabilities.

Committee believes coordination needs to be improved while also recognizing that other departments/agencies may have a role to play through Environmental Agreements or the Office of the Regulator of Oil and Gas.

**Recommendation 9:** The Standing Committee on Economic Development and Environment recommends the GNWT implement transparent and clear processes to ensure that securities are established, reviewed and coordinated among various Departments.

Committee is also concerned not just about the adequacy of financial security collected but also the form of security acceptable to the Minister. Committee recognizes that



different pieces of legislation detail acceptable forms of security but also provide authority for the Minister “to accept any other form satisfactory”.

Committee believes there should be restrictions in place to ensure GNWT Ministers only accept financial security that is irrevocable, absolute and unconditional.

Committee does not want to see the GNWT accept a form of security that will be difficult to collect and thus leave the public exposed to further liabilities.

Committee would like to see restrictions placed on Ministerial discretion regarding the acceptable forms of financial security. Committee understands that the Department of Lands is studying the option of surety bonds as a form of financial security but remains concerned about GNWT capacity to properly monitor these instruments.

**Recommendation 10:** The Standing Committee on Economic Development and Environment recommends the GNWT review and amend all legislative requirements regarding the form of financial security for environmental compliance and remediation to ensure financial security must be irrevocable, absolute and unconditional.

### **Worst Case Scenarios**

With regard to onshore petroleum exploration and development operations, Committee is concerned about the legacy of oil and gas accidents and the foresight required to manage worst case scenarios.

Federal legislation governing offshore oil and gas legislation was updated to increase the absolute liability cap to \$1 billion following a review by the Auditor General of Canada<sup>xxvii</sup>.

Under the Inuvialuit Final Agreement section 13 describes the consideration of worst-case scenarios on Inuvialuit resource harvesting. This section 13(15) describes, “*the liability of the developer is absolute, and he shall be liable without proof of fault or negligence for compensation to the Inuvialuit and for the cost of mitigative and remedial measures*”.

Section 13(16) describes how “*Canada acknowledges that, where it was involved in establishing terms and conditions for the development, it has a responsibility to assume the developer’s liability for mitigating and remedial measures to the extent practicable*”.

The Inuvialuit Final Agreement provides a concrete way to implement the polluter pays principle and also makes the government liable if it is involved in any way in the review or approval of the worst-case scenario analysis.

Committee believes the Inuvialuit Final Agreement provides another example of best practice with regard to the polluter pays principle, prevention of public liabilities and ensuring government takes its responsibilities seriously.

Committee recognizes the *Oil and Gas Spills and Debris Liability Regulations* sets the limits of absolute liability at \$40 million and lesser amounts are specified in circumstances for the NWT for the onshore. Developers may still be liable for more damages, but these could be contested through the courts and result in delays, legal costs and ultimately public liabilities for taxpayers.

Committee recognizes there is currently very little active petroleum exploration and development in the NWT but is still of the opinion that the regulatory system inherited under devolution must be reviewed and adjusted to reflect best practices, to ensure the public is protected from liabilities. Committee is concerned about the relatively very low absolute liability caps under the Regulations and the risk this poses. In response to oral question on October 18, 2018, the Minister of Industry, Tourism and Investment did acknowledge the liability caps were out of date, and that regulations would be looked at in the 19<sup>th</sup> Assembly<sup>xxviii</sup>.

Committee acknowledges the liability caps have not been adjusted in the 19<sup>th</sup> Assembly and believes this absolute liability should be reviewed and increased as soon as possible.

**Recommendation 11:** The Standing Committee on Economic Development and Environment recommends the GNWT undertake an immediate review of the *Oil and Gas Spills and Debris Liability Regulations* to ensure that the absolute liability caps are increased to fully implement the polluter pays principle, reflect best practices and protect the public from liabilities. This review and increases to the caps should be implemented before the end of the 19<sup>th</sup> Assembly.

## Disclosure

To help create greater transparency in the management of financial securities and build confidence in GNWT's ability to manage financial securities, Committee recommends greater disclosure of information about financial securities. There will be a requirement for an annual report under the yet to be brought into force Public Land Act<sup>xxix</sup>. This annual report is to contain a summary of security managed during the fiscal year, any assessments of security, reassessments of security, and any application of security. There is nothing stopping the Minister of Lands and the Minister of Environment and Natural Resources from publicly disclosing the number of financial securities held now for the holders of water licences, land use permits and surface leases. While it is recognized that these amounts may change over time, GNWT has already invested a significant number of resources into a computerized database to better track this information. Committee is of the view that this information can and should be shared publicly now.

**Recommendation 12:** The Standing Committee on Economic Development and Environment recommends the GNWT make financial security information (including operator, land and water related securities, amounts, location of project, form of

security, expiry dates) public through a website to help build public confidence in resource management.

Through the acquisition of land and resources under the devolution agreement the GNWT acquired numerous contaminated sites classified under five categories<sup>xxx</sup>:

- *Released Sites*, sites transferred to the GNWT;
- *Remediated Sites*, sites transferred to the GNWT with warranties from the federal government;
- *Excepted Waste Sites*, sites still in negotiation with the federal government,
- Sites requiring remediation, sites on federal land that will not be transferred to the GNWT until remediated; and
- *Operating Sites*, sites that could be transferred back to the Canada if there is environmental liability associated with the site.

An Environmental Liability represents the costs required to remediate a contaminated site that the GNWT is responsible for. In the most recent GNWT 2021/22 Public Accounts the environmental liabilities for the GNWT grew by \$23.4 million from 2021 (67.7M) to 2022 (91.1M)<sup>xxx</sup>

Committee has also advocated for greater public disclosure and open transparency with respect to tracking and monitoring contaminated sites and environmental liabilities across the NWT.

Committee acknowledges the work of the Department of Finance to address Committee concerns through the launch of the Environmental Liabilities Online Dashboard<sup>xxxii</sup>. However, Committee would like to see greater disclosure, transparency and public reporting on environmental liabilities. Committee recognizes that information about contaminated sites across the NWT is more publicly available now, however, Committee would like to see the GNWT continue to improve this website to the level of detail provided under the Government of Canada Contaminated Sites Inventory<sup>xxxiii</sup>.

Committee would like to see the Environmental Liabilities Online Dashboard integrate with the existing GNWT ATLAS mapping tool and include information such as:

- status of the site
- classification of the site
- actions to remediate
- financial summaries
- any financial securities in place

Committee also recognizes the Standing Committee on Government Operations (SCOGO) *Report on the Review of the 2020-21 Public Accounts* to encourage the GNWT to build on its Environmental Liabilities Dashboard and provide more disclosure. Committee concurs with SCOGO's recommendation.

**Recommendation 13:** Standing Committee on Economic Development and Environment recommends the Department of Finance provide a plan with timelines to enhance reporting on the GNWT Environmental Liabilities Dashboard by matching reporting practices in the Treasury Board of Canada Secretariat's Federal Contaminated Sites Inventory.

## Landfills

Landfills exist in nearly every community across the NWT. The management of landfills is not only important for environmental protection but can also build remediation skills through the NWT.

Committee is very concerned that communities do not have the resources to adequately manage environmental liabilities within landfills. Communities are not resourced, trained or supported to advance progressive reclamation efforts in landfill sites. Committee heard from presenters how progressive reclamation, waste diversion and waste separation are tools to extend the longevity of landfills and that guidance and support to achieve this is lacking across the NWT.

Most NWT communities have stockpiles of hazardous waste without resources or capacity to transport materials to proper waste management facilities. The GNWT has conducted research on the amount and type of waste within NWT landfills<sup>xxxiv</sup>. The GNWT is aware of what exists in community landfills and what needs to be removed. The GNWT is also capable of coordinating or incentivizing backhaul programs within the transportation sector that support communities to reduce landfill waste.

Territorial backhaul programs through barging or trucking services provide communities the means to load up waste with a transport service that would otherwise be leaving with an empty load. Backhaul programs can assist communities to reduce the amount of stockpiled waste and especially hazardous waste sitting in landfills.

**Recommendation 14:** The Standing Committee on Economic Development and Environment recommends the GNWT develop a plan with a budget and schedule to better support communities in the management of landfills, that includes training, capacity building, best practices in waste management, diversion, backhaul and related matters. This plan should be developed by the end of the 19<sup>th</sup> Assembly.

Committee heard from presenters how the design of landfills is lacking in the NWT. That there are gaps in technical guidance for landfills specifically regarding the design of landfills, lagoons and groundwater monitoring programs. Often landfill planning costs do not include consideration of closure and remediation costs for the site.

Committee believes that increased funding is required to provide proper training throughout communities to improve landfill management in the NWT.

Committee heard from presenters about the training available for landfill managers through Municipal and Community Affairs School of Community Government. Many challenges exist and relate to landfill management including low literacy, high turn over, skill levels, availability of heavy equipment, and community priorities that all impact how well landfill managers can perform their role. Committee believes the GNWT would benefit from partnerships that facilitate certification for landfill management through the Solid Waste Association of North America.

Committee heard about the success stories with respect to the City of Yellowknife and Dettah landfill. In these landfills, simple efforts to sort, compact and cover waste piles have improved environmental management and extended the life of landfills considerably. Successes from other landfill sites can be transferred to other communities by increasing knowledge sharing and training.

**Recommendation 15:** The Standing Committee on Economic Development and Environment recommends the GNWT explore partnerships with industry and industry associations to provide hands-on practical training for landfill managers across the territory.

**Recommendation 16:** The Standing Committee on Economic Development and Environment recommends the GNWT provide a response to these recommendations within 120 days.

## CONCLUSION

This concludes the Standing Committee on Economic Development and Environment's *Report on the Prevention and Management of Contaminated Sites*. Committee would like to thank all presenters who came before Committee, including several appearances by GNWT departments to inform Committee's review.

## APPENDIX: Notes

### Public Presentations to Standing Committee

- A. GNWT Regulatory Process and Securities Overview (ENR and Lands)
- B. GNWT, Municipal and Community Affairs
- C. GNWT, Environment and Natural Resources
- D. Mackenzie Valley Land and Water Board
- E. Kavanaugh Bros. Ltd.
- F. Office of the Regulator of Oil and Gas
- G. Saskatchewan's Institutional Control Program

---

<sup>i</sup> Indigenous Leadership Initiative, News, NWT a Candidate for Innovative New Approach to Sustaining Indigenous-led Conservation, <https://www.ilionationhood.ca/news/nwtcandidateforsustainedsupport>

<sup>ii</sup> GNWT, Statement of Environmental Values, [https://www.enr.gov.nt.ca/sites/enr/files/resources/statement\\_of\\_environmental\\_values\\_final.pdf](https://www.enr.gov.nt.ca/sites/enr/files/resources/statement_of_environmental_values_final.pdf)

<sup>iii</sup> KPMG, Strategic Oil & Gas Ltd. and Strategic Transmission Ltd. <https://home.kpmg/ca/en/home/services/advisory/deal-advisory/creditorlinks/strategic-oil-gas-ltd-and-strategic-transmission-ltd.html>

<sup>iv</sup> Third Report of the Receiver, Court of Queen's Bench of Alberta, <https://www.alvarezandmarsal.com/sites/default/files/canada/2022-07-04%20-%20Filed%20Third%20Report%20of%20the%20Receiver%28130510141.1%29.pdf>

<sup>v</sup> Mackenzie Valley Land and Water Board, Strategic Oil and Gas MV2022X0018, <https://mvlwb.com/registry/MV2022X0018>

<sup>vi</sup> Alvarez & Marsal, <https://www.alvarezandmarsal.com/sog>

<sup>vii</sup> Alvarezandmarsal, Fourth Report of the Receiver, 2001-01210 – filed November 29, 2022, <https://www.alvarezandmarsal.com/sites/default/files/canada/Fourth%20Report%20of%20the%20Receiver%20-%202001-01210%20-%20filed%20Nov.%2029%2C%202022.pdf>

<sup>viii</sup> GNWT, 2021/2022 Public Accounts, Volume 1, 12. Environmental Liabilities and Asset Retirement Obligations, [https://www.fin.gov.nt.ca/sites/fin/files/resources/2021-2022\\_public\\_accounts\\_-\\_section\\_i.pdf](https://www.fin.gov.nt.ca/sites/fin/files/resources/2021-2022_public_accounts_-_section_i.pdf)

<sup>ix</sup> NWT Legislative Assembly, broadcasting, Standing Committee on Government Operations, Monday December 5, 2022, <https://www.ntassembly.ca/documents-proceedings/broadcasting>

<sup>x</sup> Northwest Territories Geological Survey, Carlin-type Gold and Mactung Tungsten Deposit Publications, <https://www.nwtgeoscience.ca/news/carlin-type-gold-and-mactung-tungsten-deposit-publications>

<sup>xi</sup> GNWT, Cabinet Communications, Cantung Mine and Mactung Property Timeline, [https://www.gov.nt.ca/sites/flagship/files/documents/backgrounder\\_-\\_cantung\\_and\\_mactung\\_timeline\\_0.pdf](https://www.gov.nt.ca/sites/flagship/files/documents/backgrounder_-_cantung_and_mactung_timeline_0.pdf)

<sup>xii</sup> NWT Legislative Assembly, Hansard, February 25, 2016, [https://www.ntassembly.ca/sites/assembly/files/hn160225\\_0.pdf](https://www.ntassembly.ca/sites/assembly/files/hn160225_0.pdf)

<sup>xiii</sup> CBC North, Federal government has spent more than \$32 million on defunct northern mine since 2015, <https://www.cbc.ca/news/canada/north/rfp-for-cantung-mactung-coming-at-end-of-summer-1.5553258>

<sup>xiv</sup> Mackenzie Valley Land and Water Board, North American Tungsten, Interim Closure and Reclamation Plan, March 30, 2022, [https://registry.mvlwb.ca/Documents/MV2015L2-0003/NATCL%20-%20Approval%20-%20ICRP%20-%20Submission%20Deferral%20-%20Mar30\\_22.pdf](https://registry.mvlwb.ca/Documents/MV2015L2-0003/NATCL%20-%20Approval%20-%20ICRP%20-%20Submission%20Deferral%20-%20Mar30_22.pdf)

<sup>xv</sup> GNWT, Newsroom, GNWT agrees to sell Mactung property to Fireweed Zinc Ltd. <https://www.gov.nt.ca/en/newsroom/gnwt-agrees-sell-mactung-property-fireweed-zinc-ltd>

<sup>xvi</sup> GlobeNewswire, Fireweed Zinc Acquires Mactung Tungsten Project, <https://www.globenewswire.com/en/news-release/2022/06/07/2457990/0/en/Fireweed-Zinc-Acquires-Mactung-Tungsten-Project.html>

<sup>xvii</sup> Guidelines for Closure and Reclamation Cost Estimates for Mines, [https://mvlwb.com/sites/default/files/images/Closure%20Cost%20Estimating%20Guidelines\\_FINAL\\_Nov%2024%202017.pdf](https://mvlwb.com/sites/default/files/images/Closure%20Cost%20Estimating%20Guidelines_FINAL_Nov%2024%202017.pdf)

<sup>xviii</sup> NWT Bureau of Statistics, Current Inflation Rate, <https://www.statsnwt.ca/>

- 
- <sup>xix</sup> SLR Global Environmental Solutions, Tłı̄ch̄o All-Season Road Environmental Assessment and Regulatory Processes – Lessons Learned, December 2020, [https://www.lands.gov.nt.ca/sites/lands/files/resources/lessons\\_learned\\_report\\_-\\_tasr\\_-\\_final\\_003.pdf](https://www.lands.gov.nt.ca/sites/lands/files/resources/lessons_learned_report_-_tasr_-_final_003.pdf)
- <sup>xx</sup> GNWT, 2020 Environmental Audit Recommendations and Responses, [https://www.enr.gov.nt.ca/sites/enr/files/resources/2020\\_nwt\\_environmental\\_audit\\_table\\_of\\_recommendations\\_and\\_responses.pdf](https://www.enr.gov.nt.ca/sites/enr/files/resources/2020_nwt_environmental_audit_table_of_recommendations_and_responses.pdf)
- <sup>xxi</sup> CBC North, August 11, 2022, “Norman Wells has a waste problem, and Imperial Oil wants to leave more behind.” <https://www.cbc.ca/news/canada/north/norman-wells-waste-imperial-oil-1.6546278?fbclid=IwAR2Wc1Q3k9AltNRLORoLhYakyP4CheElfJOWI8919u-9yU9pxR6CBMiYYF0>
- <sup>xxii</sup> Canadian Underwriter, Canada’s top five federal contaminated sites to cost billions to clean up, November 29, 2022, <https://www.canadianunderwriter.ca/markets-coverages/canadas-top-five-federal-contaminated-sites-to-cost-billions-to-clean-up-1004228415/>
- <sup>xxiii</sup> Cooperation Agreement Respecting the Giant Mine Remediation Project, March 15, 2005, [https://www.enr.gov.nt.ca/sites/enr/files/resources/cooperation\\_agreement\\_2005.pdf](https://www.enr.gov.nt.ca/sites/enr/files/resources/cooperation_agreement_2005.pdf)
- <sup>xxiv</sup> Government of the Northwest Territories Approach to Contaminated Sites, August 23, 2019, [https://www.enr.gov.nt.ca/sites/enr/files/resources/gnwt\\_approach\\_to\\_contaminated\\_sites\\_final\\_august\\_23\\_2019.pdf](https://www.enr.gov.nt.ca/sites/enr/files/resources/gnwt_approach_to_contaminated_sites_final_august_23_2019.pdf)
- <sup>xxv</sup> NWT Legislative Assembly, Public Hearing: NWT Environmental Regulatory Process and Reclamation Securities Overview, [https://www.youtube.com/watch?v=HL\\_sMw0FveE](https://www.youtube.com/watch?v=HL_sMw0FveE)
- <sup>xxvi</sup> Supreme Court of Canada, Orphan Well Association v. Grant Thornton Ltd., <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/17474/index.do>
- <sup>xxvii</sup> Office of the Auditor General of Canada, Report of the Commissioner of Sustainable Development, Chapter 2 Financial Assurances for Environmental Risk, Fall 2012 [https://publications.gc.ca/collections/collection\\_2013/bvg-oag/FA1-2-2012-2-2-eng.pdf](https://publications.gc.ca/collections/collection_2013/bvg-oag/FA1-2-2012-2-2-eng.pdf)
- <sup>xxviii</sup> NWT Legislative Assembly, Hansard, 18<sup>th</sup> Assembly, 3<sup>rd</sup> session, October 18, 2018, <https://www.ntassembly.ca/sites/assembly/files/hn181018.pdf>
- <sup>xxix</sup> GNWT, Certified Bills of the Legislative Assembly, 18<sup>th</sup> Legislative Assembly, 2019, 3<sup>rd</sup> Session, Public Land Act, [https://www.justice.gov.nt.ca/en/files/bills/18/2019.3/Bill\\_46.pdf](https://www.justice.gov.nt.ca/en/files/bills/18/2019.3/Bill_46.pdf)
- <sup>xxx</sup> GNWT, Environment and Natural Resources, Contaminated Sites, <https://www.enr.gov.nt.ca/en/services/contaminated-sites>
- <sup>xxxi</sup> GNWT, 2021/2022 Public Accounts, Volume 1, 12. Environmental Liabilities and Asset Retirement Obligations, [https://www.fin.gov.nt.ca/sites/fin/files/resources/2021-2022\\_public\\_accounts\\_-\\_section\\_i.pdf](https://www.fin.gov.nt.ca/sites/fin/files/resources/2021-2022_public_accounts_-_section_i.pdf)
- <sup>xxxii</sup> GNWT Environmental Liabilities Dashboard, <https://experience.arcgis.com/experience/7755a52f8f97474ebc177a9867443034/>
- <sup>xxxiii</sup> Government of Canada, Treasury Board of Canada Secretariat, Federal Contaminated Sites Inventory, <https://www.tbs-sct.gc.ca/fcsi-rscf/home-accueil-eng.aspx>
- <sup>xxxiv</sup> Golder Associates, Study of NWT Waste Management Systems, Community Waste Management Profiles and Inspections, Volume I, Report Number: 14-1188-000, December 2016

## **OPENING REMARKS**

### **OVERVIEW OF ENVIRONMENTAL REGULATORY PROCESSES AND SECURITIES**

#### **MINISTER SHANE THOMPSON**

- Good evening Mr. Chair and Committee members. Thank you for inviting us to speak with you today.
- Here with me today from the Department of Lands are:
  - Deputy Minister, Sylvia Haener,
  - Mr. Blair Chapman, Assistant Deputy Minister, Operations, and
  - Ms. Lorraine Seale, Director of Securities and Project Assessment Branch.
- From the Department of Environment and Natural Resources, I'm joined by:
  - Deputy Minister, Erin Kelly,
  - Mr. Nathen Richea, A/Assistant Deputy Minister, Environment and Climate Change, and
  - Mr. Brett Elkin, A/Assistant Deputy Minister, Operations
- Thank you for the opportunity to provide an overview of the environmental regulatory processes and reclamation security in the Northwest Territories.
- We are pleased to provide Committee with more detailed information about the regulatory system as a follow up to previous commitments that I made to the Standing Committees



on Accountability and Oversight and Economic Development and Environment.

- The Northwest Territories has a strong and effective regulatory system based on shared decision-making.
- The GNWT participates fully in the regulatory system along with Indigenous governments and organizations, communities, federal departments, stakeholders and other interested parties to ensure wise decisions are made about the use of our resources.
- We provide expert technical advice during regulatory and environmental assessments in areas related to our mandates.
- Our government is also taking action to strengthen and improve the Northwest Territories regulatory framework. This includes ongoing work on how the security that we recommend to regulatory boards is calculated.
- The Department of Environment and Natural Resources and the Department of Lands work together to determine amounts of reclamation securities for water licences, land use permits, and leases for major projects in the NWT.
- Both departments continue to review and update models used to estimate closure costs for development projects in the NWT. This ensures that security estimates are in line with the actual costs of reclamation.
- Both departments are also updating and strengthening regulatory and policy frameworks for managing land and water in the NWT, including various pieces of legislation and regulations.

- Before making a decision, the Minister must ensure the GNWT has met its duty to consult with Aboriginal peoples, and accommodate, if required. Aboriginal consultation and Indigenous engagement are essential to regulatory and environmental impact processes in the NWT.
- The public is encouraged to participate in regulatory and environmental impact assessment processes. Public registries provide transparent access to information, including submissions from the GNWT.
- The GNWT is committed to managing development responsibly and protecting the Northwest Territories' land and environment through careful assessment and regulation.
- Mr. Chair, I would now like to turn to Sylvia Haener, Deputy Minister of Lands, who will take you through the first part of our presentation.
- Thank you, Mr. Chair.



# Northwest Territories Environmental Regulatory Processes and Reclamation Securities Overview

Departments of Lands and Environment and Natural Resources  
November 4, 2020

Government of  
Northwest Territories

- Good evening.
- The following presentation provides a high level overview of environmental regulatory processes in the NWT.
- The NWT's regulatory regime is quite different from many other jurisdictions because it is both integrated and coordinated, and is based on land claim and self government agreements.

## Presentation Outline

- Land and Water Board Processes
  - Agreements
  - Legislation
  - Consultation, engagement and participation
  - Regulatory and Environmental Assessment Process
  - Legislated Timelines
  - Closure and Reclamation Planning
  - Reclamation Securities and Process
- Other Regulatory Responsibilities
  - Wildlife
  - Forests
  - Protected Areas
  - Hazardous Materials
- Summary of Ministerial Responsibilities
  - Environment and Natural Resources
  - Lands
- Questions



- On slide 2, a brief outline of the presentation is provided.
- First, how resource management occurs in areas with and without Land Claim and Self-Government Agreements will be discussed.
- Then, a number of key aspects of the environment and how they are regulated will be presented.
- There is an emphasis on Land and Water Board processes as this is the main regulatory tool for development projects in the NWT.
  - The key pieces of resource management legislation in the NWT will be outlined, along with a description of regulatory and environmental assessment processes.
- This will be followed by a description of regulatory processes for wildlife, forests, hazardous materials and protected areas.
- Ministerial responsibilities for related to regulatory and environmental assessment process will be summarized for the departments of Environment and Natural Resources and Lands.

# Land and Water Board Processes



## Land and Resource Management Agreements

<h3>Existing settled land claim and Self-government agreements</h3> <ul style="list-style-type: none"> <li>• Inuvialuit Final Agreement</li> <li>• Gwich'in Comprehensive Land Claim Agreement</li> <li>• Sahtu Dene and Métis Comprehensive Land Claim Agreement</li> <li>• Tłı̨chǫ Land Claims and Self-government Agreement</li> <li>• Déline Final Self-Government Agreement</li> </ul>	<h3>Areas without settled land claim agreements</h3> <ul style="list-style-type: none"> <li>• Interim measures agreements               <ul style="list-style-type: none"> <li>– Akaitcho Dene First Nations</li> <li>– Dehcho First Nations</li> <li>– Northwest Territory Métis Nation</li> <li>– Athabasca Denesuline</li> <li>– Ghotelnene K'odtineh Dene</li> </ul> </li> </ul>
---	--



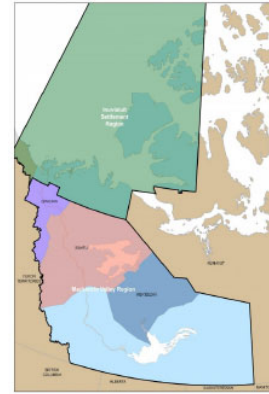
- The NWT's land and resource regulatory regimes are grounded in Land Claim and Self-Government Agreements and negotiations, as shown on the slide.
  - The system in the Inuvialuit Settlement Region is based on the Inuvialuit Final Agreement (1984).
  - The system in the rest of the NWT, known as the Mackenzie Valley, is based on:
    - the Gwich'in Comprehensive Land Claim Agreement (1992),
    - the Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993),
    - the Tłı̨chǫ Land Claims and Self-government Agreement (2005), and
    - The Déline Self-Government Agreement (2015).
- These agreements create land and resource management structures and processes. In the Mackenzie Valley this resulted in the establishment of the *Mackenzie Valley Resource Management Act*, which is federal legislation.
- In areas without Land Claim and Self-Government Agreements, interim agreements help to provide direction on how parties will work together when making decisions related to resources. Five separate Interim Measures Agreements (IMAs) have been signed among federal, territorial and regional Indigenous governments. Agreements have been signed with the Akaitcho Dene First Nations, the Dehcho First Nations, the Northwest Territory Métis Nation, the Athabasca Denesuline, and the Ghotelnene K'odtineh Dene.
- Land Claim and Self-Government Agreements outline the management of land and natural resources in the NWT, with roles for the federal and territorial governments and Indigenous governments and organizations through resource management boards.
  - Indigenous governments and public governments have the ability to nominate people to boards, and those boards serve the public interest.
  - Management boards recognize the traditional and local knowledge of Indigenous peoples and provide ways for Indigenous governments to have input into resource decision making.
  - Another main feature of the resource management system in the NWT is the

integration and coordination of all aspects of resource management. For example, environmental assessment, wildlife management and the issuance of land and water authorizations are coordinated processes. Indigenous governments have a role in all aspects of resource management, though there is no single leverage point for their participation.

- Broadly speaking, in the both the Inuvialuit Settlement Region and the Mackenzie Valley, resource management boards manage regulatory and environmental assessment processes. The Minister of Lands and Environment and Natural Resources respond to their recommendations, and decisions, where applicable.

## Legislation

- Mackenzie Valley
  - The *Mackenzie Valley Resource Management Act* (MVRMA) applies; MVRMA also implements land and resource management agreement requirements
- Inuvialuit Settlement Region
  - The Inuvialuit Final Agreement and the federal *Impact Assessment Act* apply
- Additional governing legislation
  - *Waters Act, NWT Surface Rights Board Act, Environmental Protection Act, land administration acts, Wildlife Act, Forest Management Act and Protection Act, Protected Areas Act, etc.*



- As mentioned, there are two separate resource management jurisdictions in the NWT with different legislation: the Mackenzie Valley and the Inuvialuit Settlement Region.
- The *Mackenzie Valley Resource Management Act* (MVRMA) applies in the Mackenzie Valley and provides authorities to:
  - 1) Carry out land use planning;
  - 2) Regulate the use of land and water and the deposit of waste; and, if required
  - 3) Conduct environmental assessments and reviews of projects
  - 4) Monitor cumulative impacts
  - 5) Audit the function of the environment and the state of the environment
- The MVRMA is federal legislation; however, the GNWT has legislated authorities under the MVRMA, such as the joint approval of land use plans. ENR and the Department of Lands have also been delegated certain responsibilities under the MVRMA as a result of Devolution.
- In the Inuvialuit Settlement Region (ISR), the Inuvialuit Final Agreement provides for the creation of management bodies for wildlife, land and environmental co-management in the ISR.
- The federal *Impact Assessment Act* also applies in the ISR to provide an environmental assessment process that considers potential environmental, health, social and economic impacts of proposed projects, as well as benefits.
- Additional legislation that is relevant to land and water processes includes the *Waters Act* and associated regulations, which was mirrored upon Devolution. It also includes the *NWT Surface Rights Board Act* which establishes a Surface Rights Board whose mandate is to resolve disputes between surface and subsurface rights holders.



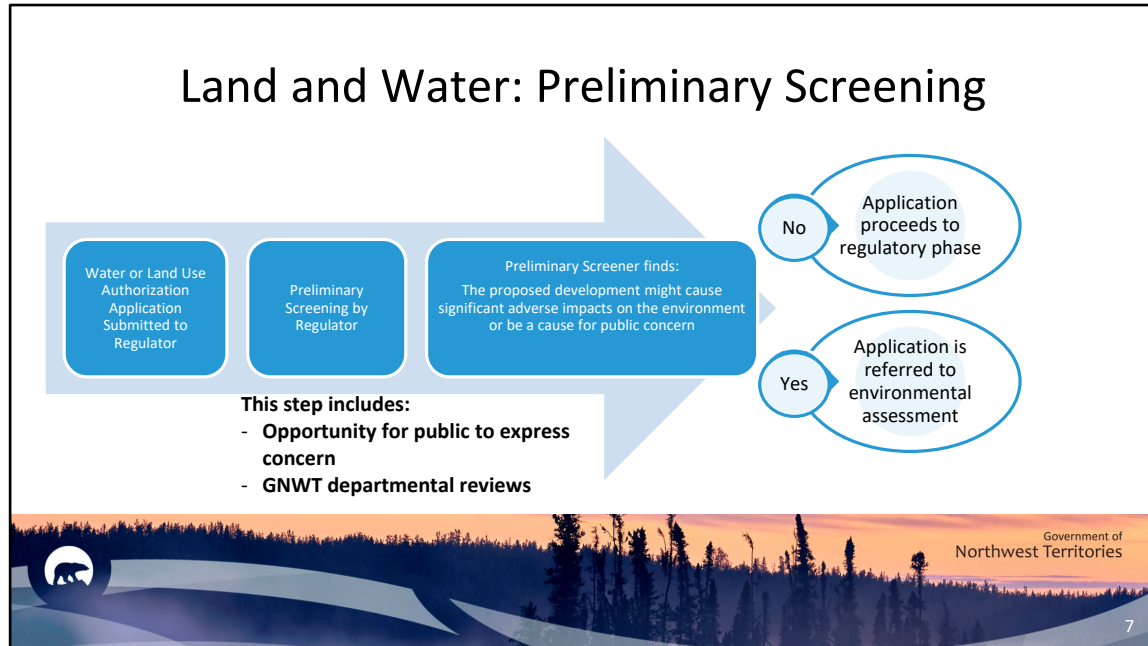
- The *Environmental Protection Act* which covers the discharge of contaminants to the environment.
- Lands administration acts – currently Territorial Lands Act and Commissioners Lands Act. The *Public Land Act* received assent on August 21, 2019. The *Public Land Act* will come into force once changes to regulations are made, and will replace the *NWT Lands Act* and the *Commissioner's Land Act*.
- *Forest Management Act* and *Forest Protection Act* which allows for the issuance of licences and permits.
- *Protected Areas Act* which allows for the establishment of protected areas in the NWT including their Management Boards.
- And the *Wildlife Act* which among other things, requires the submission and approval of Wildlife Management and Monitoring Plans.

## Consultation, engagement and participation

- Aboriginal consultation and Indigenous engagement are essential to environmental regulatory and impact assessment processes in the NWT.
- Land and resource management agreements: The GNWT relies on board processes to assist in fulfilling its duty to consult and, if needed, accommodate Aboriginal peoples.
- Legislation that governs the regulatory process requires that it is public.
  - The public is encouraged to participate in regulatory and environmental impact assessment processes
  - Public registries are required to provide transparency
  - All submissions and regulatory decisions are available on public registries



- Aboriginal consultation and Indigenous engagement are essential to environmental regulatory and impact assessment processes in the NWT. It is important for the people affected by land and water decisions to be involved in the process.
- The GNWT relies on board processes to assist in fulfilling its duty to consult Aboriginal peoples and accommodate, if needed.
- Land and water legislation requires that processes are public. The public is encouraged to participate, through public meetings and hearings, and written submissions. Boards maintain public registries, mostly online, which provide transparency. All submissions from the GNWT and other parties, and all regulatory decisions, are available on public registries.




- This slide depicts the preliminary screening process for land and water authorizations in both the Mackenzie Valley and the Inuvialuit Settlement Region (ISR). Preliminary screening is the first step in the regulatory process for the majority of land and water use applications.
- Generally speaking, a preliminary screening is initiated when a proponent submits a land use or water authorization application to a land and/or water regulator, and once an application is deemed complete and in conformity with the associated land use plan, if applicable.
- The regulator then distributes the application for public review and comment.
- Once the regulator receives comments from reviewers, including the GNWT, federal government reviewers, Indigenous governments and organizations, and renewable resource boards, it conducts its preliminary screening. A preliminary screening is most often conducted by a land and water board. In the ISR, the Environmental Impact Screening Committee conducts all screenings.
- Preliminary screenings are meant to be a cursory look at a project to determine if the proposed development “might” cause significant adverse impacts on the environment or be a cause for public concern.
  - If the answer to the “might test” is no, the project continues on to the regulatory phase to obtain a land use permit and/or water licence.
  - If the answer to the “might test” is yes, the project is referred to an environmental assessment. In the Mackenzie Valley the assessment is conducted by the Mackenzie Valley Environmental Impact Review Board, and in the Inuvialuit Settlement Region, the assessment is conducted by the

### Environmental Impact Review Board.

- To note, roughly 95% of projects that undergo a preliminary screening in the Mackenzie Valley are not referred to an environmental assessment.
- In the Mackenzie Valley, in instances where the GNWT has a concern, the GNWT may refer the project to EA. On their Settlement Lands, the Tlicho Government and the Deline Got'ine Government may also refer a project for environmental assessment. The Project Assessment Policy allows for Ministers to recommend to the Executive Council that a project be referred to environmental assessment. However, the GNWT does not have referral authority in the ISR.

## Regulatory Phase - Regulatory Bodies

<p><b>Mackenzie Valley</b></p> <ul style="list-style-type: none"> <li>• Mackenzie Valley Land and Water Board</li> <li>• Gwich'in Land and Water Board</li> <li>• Sahtu Land and Water Board</li> <li>• Wek'èezhìi Land and Water Board</li> </ul>	<p><b>Inuvialuit Settlement Region</b></p> <ul style="list-style-type: none"> <li>• Inuvialuit Water Board</li> <li>• Inuvialuit Land Administration</li> <li>• Environmental Impact Screening Committee</li> <li>• Government of the Northwest Territories</li> <li>• Government of Canada</li> </ul>
--	--



Government of Northwest Territories

8

- If a project is not referred to environmental assessment, it proceeds to the regulatory phase to obtain a land and/or water authorization.
- Examples of activities that may require a Water Licence include:
  - Industrial Undertakings, such as Oil and Gas Exploration and Production,
  - Mining and Milling,
  - Municipal Undertaking,
  - Power Undertaking,
  - Agricultural Undertakings, and
  - Miscellaneous/Recreational Undertakings.
- In the NWT, land and water authorizations are issued by the resource management boards, agencies and regulatory authorities listed on this slide (with the exception of the Environmental Impact Screening Committee, which is only responsible for screening).
- In the Mackenzie Valley, land and water boards are court-like tribunals with 50% Indigenous nomination and 50% government nomination. Nominees do not represent their nominators. Board members act in the public interest.
- Resource management boards and agencies are largely responsible for the regulation of land and water use and the deposit of waste.
  - They accomplish this through the issuance of land use permits and water licences.
    - Land use permits and water licences include conditions that are intended to minimize environmental impacts.
    - When developing permit conditions, land and/or water boards distribute the application for public review and comment.

- Conditions in these authorizations may require monitoring plans, studies or reports, closure and reclamation plans and require security to be posted.
- In some cases federal departments such as Fisheries and Oceans Canada and Natural Resources Canada can also issue regulatory authorizations related to development projects in the NWT (if they have authorizations to issue for the project).

## Regulatory Phase - ENR Water Licence Responsibilities

- The Minister of Environment and Natural Resources has water licence approval authorities on non-federal lands in the NWT, which include:
  - the approval of all Type “A” Water Licences.
  - the approval of all Type “B” Water Licences, where a public hearing has been held.
- ENR staff provide technical advice and support to land and water boards throughout the project life cycle.
- ENR Minister appoints ENR inspectors.
- Inspectors are responsible for water licence inspection, compliance and enforcement.



- This slide outlines the Department of Environment and Natural Resources role in the regulatory process, with specific reference to water licensing.
- The Minister of Environment and Natural Resources has authority for:
  - the approval of all Type “A” Water Licences associated with undertakings on non-federal land as identified in the Devolution Agreement; and
  - the approval of all Type “B” Water Licences, where a public hearing has been held, associated with undertakings on non-federal land as identified in the Devolution Agreement (NOTE: where no public hearings are required for Type “B” Water Licences, the Land and Water Board has the approval authority.)
- Type A Water Licences are for larger undertakings while Type B licences are for smaller-scale undertakings
- ENR staff provide technical advice and support to boards as part of the public water licence review process, as outlined in legislation (i.e., the Waters Act).
- Finally, ENR inspectors are appointed by the Minister of ENR. Inspectors conduct water licence inspections and are responsible for compliance and enforcement.

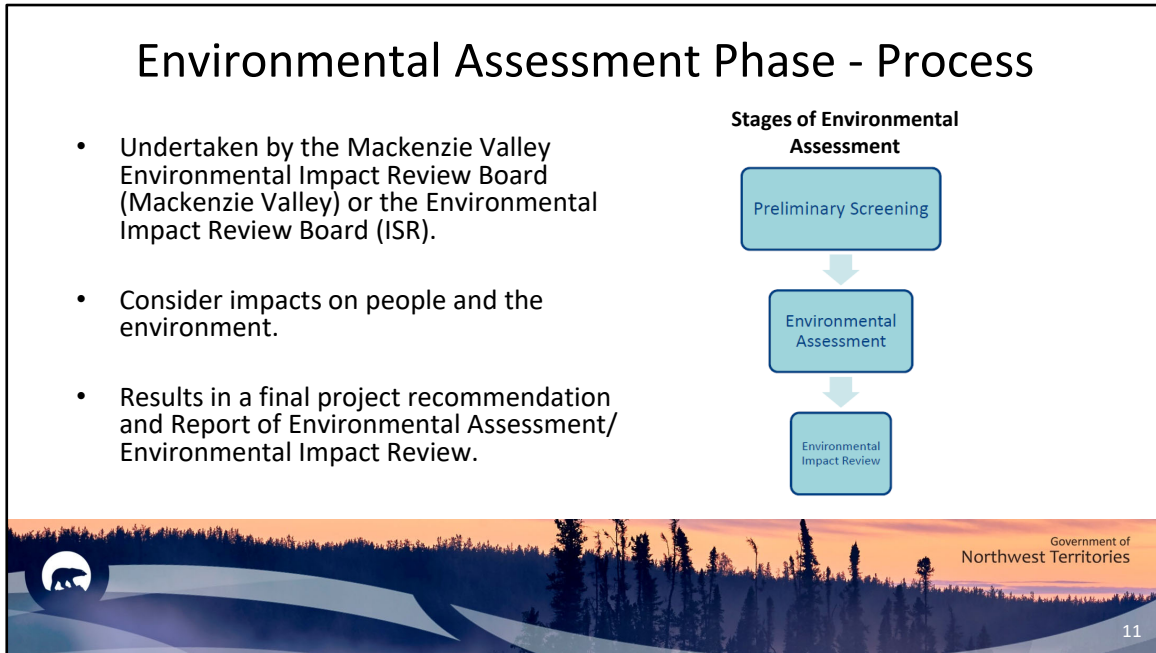
## Regulatory Phase - Lands Responsibilities

- Former “Crown” land is now “territorial land” managed by the Department of Lands (Lands).
- Lands also manages “Commissioner’s land”.
- Land use permits are issued by Land and Water Boards in the Mackenzie Valley
- Lands issues land use permits on territorial land in the ISR.
- Land use inspectors conduct land use permit compliance.
  - Lands released its Compliance and Enforcement Ministerial Policy August 16, 2019.



- This slide outlines the Department of Lands role in the regulatory process, with specific reference to land use permitting and land leases.
- Most Crown land is now “territorial land” managed by GNWT Lands.
- The Department of Lands issues land leases for activities on Public Lands.
  - In the Mackenzie Valley, land use permits are issued by Land and Water Boards.
  - In the Inuvialuit Settlement Region, Lands issues land use permits.
- Land use inspectors are appointed by the Minister of Lands to conduct land use permit inspections, and are responsible for compliance and enforcement.
  - Note that the Department of Lands released its Compliance and Enforcement Ministerial Policy August 16, 2019.
  - Also, Land Use inspectors and ENR inspectors have been cross appointed such that they are also able to conduct water licence inspections.





- If a project is referred from preliminary screening to an environmental assessment, the Mackenzie Valley Environmental Impact Review Board in the Mackenzie Valley or the Environmental Impact Review Board (EIRB) in the Inuvialuit Settlement Region will undertake an in-depth review of the project to ensure that concerns of government agencies, Indigenous people, communities and the public are taken into account and to protect the environment from significant adverse impacts.
- The boards must consider any traditional knowledge or scientific information that is brought before them.
- As mentioned, in the ISR, both the IFA and the *Impact Assessment Act* apply. If agreed to between the Federal Government and the EIRB, the environmental assessment under the EIRB can meet the requirements of (substitute for) the *Impact Assessment Act* process.
- Environmental impact assessments look at impacts on people and the environment, which includes:
  - the protection of the environment from significant adverse impacts;
  - the protection of the social, cultural and economic well-being of residents and communities; and
  - consideration of the importance of conservation to the well-being and way of life of Indigenous peoples.
- The GNWT provides expert technical advice to Review Boards in a number of subject areas related to its mandate during environmental assessments.

- The Project Assessment Branch of the Department of Lands coordinates the input of all GNWT departments to ensure the government speaks with one, consistent voice.
- Environmental assessments result in a Report of Environmental Assessment written by the Review Board that determines the significance of the impacts and makes a recommendation about whether the project should be approved as-is, approved with conditions that mitigate the impacts, or rejected.
- The Review Board recommendation is then considered by the federal Minister and a group of Responsible Ministers, usually including GNWT Ministers, for approval. The Tlicho Government also has decision-making roles on Tłıchǫ Lands.
- Though it has rarely been used (twice, for the Gahcho Kue Mine and the Mackenzie Gas Project), both the Review Board or the federal Minister and the Responsible Ministers may order an environmental impact review of a project. Environmental Impact Reviews may also be ordered in the Inuvialuit Settlement Region.
  - An environmental impact review is a more detailed and comprehensive assessment conducted by an independent panel appointed by the Review Board.
- Once the environmental impact review is complete, the panel will issue a report, with a similar Ministerial approval process to that of an environmental assessment.

## Environmental Assessment Phase – Mackenzie Valley – Responsibilities

- Responsible ministers, both territorial and federal, must reach consensus on one of the following decisions within a 5-month time limit:
  - Adopt MVEIRB’s recommendation and Report of EA as is;
  - Send the recommendation back to MVEIRB for further consideration,
  - Modify the recommendation after consultation with MVEIRB or reject the recommendation and order an environmental impact review
- The GNWT Minister of Lands has the delegated authority to sign the decision on behalf of GNWT and the federal government for environmental assessments on non-federal land.
- Before making a decision, the GNWT must meet its duty to consult and, if needed, accommodate Aboriginal peoples



- Slide 12 describes the environmental assessment decision phase conducted by Responsible Ministers, after receipt of the Report of Environmental Assessment from the Mackenzie Valley Environmental Impact Review Board.
- The responsible ministers, both territorial and federal, must reach consensus on a decision within a 5-month time limit, with the possibility of an extension of up to two months.
- Responsible ministers decide if the Report of EA can be adopted as is or if it should be sent back for further consideration, modified after consultation with the or rejected and an environmental impact review be ordered.
- The GNWT Minister of Lands has the delegated authority to sign and coordinate government decisions for environmental assessments on non-federal land. Most environmental assessment decisions are signed by Minister of Lands, with input from other territorial departments and federal responsible ministers.
- The GNWT departments involved as responsible ministers for the decision phase depend on the subject matter of the environmental assessment. Generally the departments of Lands and Environment and Natural Resources are involved. The departments of Education, Culture and Employment, Health and Social Services, and Industry, Tourism and Investment have also participated as Responsible Ministers.

- Note that as a part of this process, the government must meet its duty to consult Aboriginal peoples and accommodate, if needed, before making a decision on the Report of Environmental Assessment.

## Environmental Assessment Phase – Inuvialuit Settlement Region – Responsibilities

- Government authorities (territorial and federal) must consider the Environmental Impact Review Board’s report and reach consensus on one of the following decisions:
  - If the project should proceed, and if so, under what conditions, or
  - Order additional review by a panel.
- GNWT is a decision-maker due to its role in land and water authorizations:
  - Department of Lands issues land use permits on Public Land in the Inuvialuit Settlement Region.
  - Minister of ENR approves Type A water licences and Type B licences for which a hearing has been held for projects on non-federal lands in the Inuvialuit Settlement Region.
- Before making a decision, the GNWT must meet its duty to consult and, if needed, accommodate Aboriginal peoples.



- This slide describes the environmental assessment decision phase conducted by government authorities in the Inuvialuit Settlement Region (ISR).
- Under the Inuvialuit Final Agreement, government authorities (territorial and federal) must consider the Environmental Impact Review Board’s report and reach consensus on one of the following decisions:
  - If the project should proceed, and if so, under what conditions, or
  - Order an additional environmental review.
- The GNWT is a government authority in the environmental assessment decision phase due to its role in land and water authorizations in the Inuvialuit Settlement Region, specifically:
  - The Department of Lands issues land use permits on Public Land in the Inuvialuit Settlement Region, and
  - The Minister of ENR approves Type A water licences and Type B licences for which a hearing has been held
- Note that as a part of this process, the government must meet its duty to consult Aboriginal peoples and accommodate, if needed, before making a decision on the Report of Environmental Assessment.

## Post-Environmental Assessment Obligations – Mackenzie Valley

- All regulatory authorities must act in conformity with the government's decision on the Board's recommendation.
  - May be required to implement and report on the implementation of mitigation measures.
  - Permits, licences, and authorizations must conform with EA decision.
- Regulatory issuances may involve additional public processes.
  - Land use permit reviews, water licence reviews, public hearings, management plan reviews.
- GNWT inspects and enforces terms and conditions of land use permits and water licences.
  - Non-compliance with terms and conditions is potentially an offence subject to enforcement.



- This slide identifies the processes and obligations that need to occur following the completion of an environmental assessment and Ministerial decision in the Mackenzie Valley. There are parallel obligations in the Inuvialuit Settlement Region (ISR).
- All regulatory authorities must act in conformity with the government's decision on the Board's environmental assessment recommendation.
  - Specifically, regulatory authorities may be required to report on the implementation of mitigation measures (for example an annual report on mitigation measures associated with the Tlicho All-Season Road is required by the Review Board).
  - Permits, licences, and authorizations must conform with the final environmental assessment decision as signed off by a Minister.
- Subsequent regulatory authorizations may involve additional public processes (for example, public review of a draft land use permit or water licence and public hearings).
- The GNWT inspects and enforces terms and conditions of land use permits and water licences. Non-compliance with terms and conditions is an offence subject to enforcement.

## Legislated Timelines

Legislated Timelines			
Process	LWB/Review Board/Agency Time	Ministerial Time	Total Time
MV - Land Use Permit	10 days for conformity check, 42 days for review	N/A	52 days
MV and ISR- Water Licence with a public hearing	9 months	45 days + option of additional 45 days	10.5 months
MV - EA, no hearing	9 months	3 months	12 months
MV - EA with hearing	16 months	5 months	21 months
MV - Environmental Impact Review	18 months	6 months	24 months
ISR (IAA) – EA with hearing	10 months	1 or 3 months	11 or 13 months
ISR (IAA) - Environmental Impact Review	20 months	3 months	23 months

Department of  
Northwest Territories

15

- There are legislated timelines associated with many of the land and water regulatory processes in both the Mackenzie Valley and the ISR.
  - These timelines range from 42 days to up to 2 years depending on the type of authorization.
  - Note that in the ISR, timelines are associated with federal Impact Assessment Agency-led environmental impact assessment processes under the federal *Impact Assessment Act* (IAA).
- It is also important to note that the Ministers of Lands and ENR are involved in decisions with legislated timelines for:
  - Water Licences where a public hearing is held, and
  - Environmental assessments and environmental impact reviews in the Mackenzie Valley. For environmental assessments, the responsible ministers, both territorial and federal, must reach consensus on a decision within a 5-month time limit, with the possibility of an up to two month extension.

## Closure and Reclamation Planning

- Proponents are legally responsible for undertaking closure and reclamation in an environmentally responsible manner, as set out in permits, licences, leases and associated management plans.
- Closure planning happens over the life of the project, and includes multiple opportunities for Indigenous and public engagement.
- For large projects such as the mines, various iterations of interim closure and reclamation plans have been developed and reviewed.
- The GNWT actively participates in closure and reclamation plan review processes.
- Security deposit amounts are determined based upon the approved closure and reclamation plan for the project.



- Proponents are legally responsible for undertaking closure and reclamation in an environmentally responsible manner. This is set out in permits, licences, leases and associated management plans.
- The definition of closure planning is “Determining the optimal way of returning a disturbed site to its natural state or which prepares it for other productive uses that prevent or minimize any adverse effects on the environment or threats to human health or safety.”
- Closure planning is required to happen throughout the life of the project. Many closure and reclamation aspects of a proposed project are discussed and decided through the environmental assessment process. The proponent regularly updates its closure plans, and there are many opportunities for Indigenous governments and the public to provide input.



## Reclamation Securities

- Security deposits are funds held by the appropriate authority (GNWT, federal government, or other landowner, such as an Indigenous government) that can be used in the case of abandonment of a project to maintain and reclaim the site.
- Can be held under land use permits, water licences, tenure instruments (e.g. land leases), and in some instances, Environmental Agreements for specific projects.
- Security deposit amounts are calculated based on:
  - Third party costs to conduct reclamation
  - No assumption for salvage of materials or equipment
  - Mobilization of equipment and fuel for remediation activities
- Security estimates include costs for project management, engineering, contingency, etc.
- Security amounts and their breakdowns are available on Board public registries.



- Security deposits are funds held by the appropriate authority (GNWT, federal government, or other landowner, such as an Indigenous government) that can be used in the case of abandonment of a project to maintain and reclaim the site.
- Security is set in Land Use Permits, Water Licences, Land Tenure Instruments and in Environmental Agreements for development projects in the NWT.
- Security is held by the appropriate authority:
  - By the Minister of Lands for land instruments
  - By the Minister of ENR for Water Licences and Environmental Agreements
  - By landowners if the project falls on private lands.
  - By the federal government if the project is on federal land
- Security deposit amounts are calculated based on:
  - Third party costs to conduct reclamation
  - No assumption for salvage of materials or equipment
  - Mobilization of equipment and fuel for remediation activities
- Security estimates include costs for project management, engineering, contingency, etc.
- Security amounts and their breakdowns are available on Board public registries.

## Reclamation Security Processes

- For land use permits and water licences in the Mackenzie Valley, the applicable Land and Water Board conducts a public review and determines/updates the security amount.
- In the Inuvialuit Settlement Region, the Inuvialuit Water Board sets security for water licences. The landowner/manager (Inuvialuit Land Administration, GNWT Lands or the federal government) sets land securities.
- GNWT roles:
  - technical input to the board, including a security estimate.
  - Determines the acceptable form of security and holds the security
  - May also set and hold security under land leases.



- In the Mackenzie Valley, Land and Water Boards set the amount of securities for most projects, after conducting a public review.
- Following public reviews in the Inuvialuit Settlement Region, the Inuvialuit Water Board sets security for water licences. The landowner/manager (Inuvialuit Land Administration, GNWT Lands or the federal government) sets land securities.
- The GNWT has several roles in security processes. The GNWT provides technical input to boards, including an estimate of the amount of security. The GNWT determines what form of security is acceptable. Cash and irrevocable letters of credit (ILOCs) are the GNWT's preferred forms of security deposits.
- The GNWT may also set and hold security under land leases.

## Security Process (cont'd)

- The GNWT works very closely with the LWBs of the Mackenzie Valley and the Inuvialuit Water Board to develop security guidelines and procedures for land use permits and water licences.
- Initiatives currently underway with Boards include:
  - Mackenzie Valley Land Use Security Estimate Tool and User Manual; and,
  - Security Holdbacks for Mines.
- In 2021, the Department of Lands will be engaging on the development of securities and other regulations under the *Public Land Act*.
- The GNWT uses the RECLAIM Model to calculate security; the model and manual are posted online. The model allows the user to split security based on land and water based liability.
- The GNWT currently holds a total of \$ 673 M in security for projects in the NWT:
  - Lands holds \$ 105.5 M
  - ENR holds \$ 567.5 M



- The GNWT works very closely with the LWBs of the Mackenzie Valley and the Inuvialuit Water Board to develop security guidelines and procedures.
- These guidelines and procedures are available on the ENR and Lands websites and on Board websites.
- Initiatives currently underway include the development of:
  - Mackenzie Valley Land Use Security Estimate Tool and User Manual; and,
  - Security Holdbacks for Mines.
- In 2021, the Department of Lands will be engaging on the development of securities and other regulations under the *Public Land Act*.
- The RECLAIM Model is used to calculate security for development projects in the NWT that require both land use permits and Water Licences. The model allows the user to splits security based on land and water based liability. The model includes line items and costs for the remediation of specific components (for example: open pits, underground, infrastructure, water treatment, mobilization/demobilization, post closure monitoring and maintenance, etc.).
- The GNWT currently holds a total of \$ 673 M in security for projects in the NWT:
  - Lands holds \$ 105.5 M in security under land use permits and leases.
  - Environment and Natural Resources holds \$ 567.5 M in security under water

licences and environmental agreements.

- The total can change based on board and GNWT decisions to adjust required security amounts.

# Other Regulatory Responsibilities



# Wildlife

- Land Claim and Self Government Agreements establish the main instrument for wildlife management.
- Renewable resources boards make recommendations to the Minister of ENR about the management of wildlife, fish, migratory birds, forests, and plants.
- Renewable Resources Boards include: Wildlife Management Advisory Council, Gwich'in Renewable Resources Board, Sahtu Renewable Resources Board, and the Wek'eezhii Renewable Resources Board
- Renewable resources boards can establish policies and propose regulations respecting harvest of wildlife, including total allowable harvest
  - Board decisions and recommendations are communicated to the Minister of ENR, for approvals as appropriate
  - Government retains ultimate authority for wildlife management



- Land Claim and Self Government Agreements establish the main instruments for wildlife management.
- Renewable resources boards make recommendations to the Minister of ENR about the management of wildlife, fish, migratory birds, forests, and plants.
- Renewable resources boards in the NWT include:
  - The Wildlife Management Advisory Council in the Inuvialuit Settlement Region, the Gwich'in Renewable Resources Board, the Sahtu Renewable Resources Board, and the Wek'eezhii Renewable Resources Board.
- With respect to wildlife, renewable resources boards can establish policies and propose regulations respecting harvest of wildlife, including a total allowable harvest.
  - Their decisions and recommendations are communicated to ENR.
  - The government retains ultimate authority for wildlife management.

## Wildlife (cont'd)

- ENR authorizes permits and requires plans under the *Wildlife Act*, such as;
  - *Hunting and fishing licenses*
  - *Wildlife business permits*
  - *Outfitter and guide licenses*
  - *Wildlife research and observation permits*
- *Wildlife Management and Monitoring Plan* – as of July 2019, is required for development activities that are likely to result in significant disturbance or pose a threat of harm to wildlife, cause substantial damage to wildlife habitat or significantly contribute to cumulative impacts on wildlife or habitat.
- ENR is required to conduct preliminary screenings for *Wildlife Act* authorizations defined under the MVRMA Preliminary Screening Requirement Regulations.



- ENR authorizes permits and requires plans under the *Wildlife Act*, such as hunting and fishing licenses, wildlife business permits, outfitter and guide licenses and wildlife research and observation permits.
- As of July, 2019, a Wildlife Management and Monitoring Plan (WMMP) is required for development activities that are likely to result in significant disturbance or pose a threat of harm to wildlife, cause substantial damage to wildlife habitat or significantly contribute to cumulative impacts on wildlife or habitat.
  - WMMPs help to ensure sustainable development by allowing developers to demonstrate how they will mitigate the impacts of their project, remain in compliance with regulatory requirements and address public concern.
  - ENR uses the regulatory review processes conducted by Land and Water Boards to inform the review and approval process of a WMMP so that authorizations are approved in a timely manner.
  - WMMPs are approved by the Minister of ENR, and are binding and enforceable.
- ENR has preliminary screening obligations, issues authorizations and requires plans under the *Wildlife Act*. The specific authorizations that require preliminary screening are defined under the Preliminary Screening Requirement Regulations under the MVRMA.

## Forestry

- ENR authorizes permits and licenses under the *Forest Management Act* and *Forest Protection Act*.
  - Burn permits, timber permits and licenses, forest management agreements, forest research permits
- ENR is required to conduct preliminary screenings for forestry authorizations defined under the MVRMA Preliminary Screening Requirement Regulations.
- Renewable Resources Boards have an advisory role.



- ENR issues authorizations under the *Forest Management Act* and the *Forest Protection Act*.
- These permits and licenses include burn permits, a number of timber permits and licenses, as well as forest research permits.
- The Minister of ENR is responsible for the approval of Forest Management Agreements that are entered into under the *Forest Management Act*. These agreements allow for a partner to have long term rights to harvest wood from a defined area for the purposes of forest industry business development and growth.
- Prior to the issuance of commercial timber permits on public land within a land claim settlement area, ENR has an obligation to seek the advice of the applicable renewable resources board.
  - In an effort to coordinate forest management, ENR conducts planning in conjunction with Renewable Resources Boards.
- ENR is required to conduct preliminary screenings for forestry authorizations defined under the MVRMA Preliminary Screening Requirement Regulations.



## Protected Areas

- Under the *Protected Areas Act* and consistent with Establishment Agreements negotiated with Indigenous governments and organizations, ENR sets up co-management boards for each territorial protected area.
- Co-management boards consist of representatives of the GNWT and relevant Indigenous partners, and are unique to each protected area.
- Co-management boards make recommendations to the Minister of ENR on how the protected area should be managed through the development of a Management Plan.
- Renewable resources boards have an advisory role.



- Under the *Protected Areas Act* and consistent with Establishment Agreements negotiated with Indigenous governments and organizations, ENR sets up **co-management boards** for each territorial protected area.
  - Plans to set up co-management boards for the two newly established protected areas, Thaidene Nene and Tuyeta, are underway.
- Protected area co-management boards consist of representatives of the GNWT and relevant Indigenous Governments and Organizations partners, and are unique to each protected area.
  - Membership and roles of the management board are negotiated with Indigenous Governments and Organizations during creation of an Establishment Agreement.
- The Minister of ENR and Cabinet approve GNWT appointments to territorial protected area management boards under the *Protected Areas Act*.
- Protected area Co-management boards make recommendations to ENR on how the protected area should be managed through the development of a Management Plan.
  - For example, a Management Plan may include policies related to tourism permits, zoning and rights to occupy land.

## Hazardous Materials

- ENR authorizes permits under the *Pesticide Act*
  - Pesticide Application Permit
  - Pesticide Business Permit
- Under the *Environmental Protection Act*
  - ENR requires the submission of a Spill Contingency Plan for hazardous materials storage facilities
  - ENR requires operators who are generating or transporting hazardous materials to submit a form
- ENR is required to conduct preliminary screenings for *Pesticide Act* authorizations defined under the MVRMA Preliminary Screening Requirement Regulations.



- The regulation of hazardous materials is not conducted in a co-management context.
- ENR issues authorizations under the *Pesticide Act*.
  - Permits and licenses include a Pesticide Application Permit and Pesticide Business Permit.
  - Results of ENR's preliminary screenings are shared with co-management boards, but these boards do not provide ENR with advice on issuance of pesticide permits.
- Under the *Environmental Protection Act*, ENR requires:
  - The submission of a Spill Contingency Plan for operators of above-ground and underground hazardous materials storage facilities on municipal and Commissioner's Lands.
  - Operators who are generating or transporting hazardous materials to submit information in a standard form.
- ENR is required to conduct preliminary screenings for *Pesticide Act* authorizations defined under the MVRMA Preliminary Screening Requirement Regulations.

# Summary of Ministerial Responsibilities



## Environment and Natural Resources

- Land and Water
  - Responsible Minister for environmental assessment decision
  - Decisions for Type A and Type B water licences with hearing, on non-federal land
  - Appoint water licence inspectors
  - Hold and approve form of reclamation security for water licences and environmental agreements
- Wildlife
  - Approval of Wildlife Management and Monitoring Plans (WMMP)
- Forestry
  - Approval of Forest Management Agreements
- Protected Areas
  - Minister and Cabinet approve GNWT management board appointments



- To summarize, the Minister of ENR has responsibilities under land and water, wildlife, forestry, and protected areas legislation.
- For land and water regulation, the ENR Minister, with the Lands Minister, is usually a responsible minister under the Mackenzie Valley Resource Management Act for a decision on an environmental assessment conducted by the Mackenzie Valley Environmental Impact Review Board.
- The ENR Minister may also be involved in decisions on environmental assessments conducted by the Environmental Impact Review Board in the Inuvialuit Settlement Region.
- The Minister is also responsible for decisions on Type A and Type B water licences with a hearing on non-federal land that have been completed by Land and Water Boards.
- For wildlife regulation, the Minister of ENR is responsible for the approval of Wildlife Management and Monitoring Plans (WMMP) under the *Wildlife Act*.
- With respect to forestry, the Minister of ENR is responsible for the approval of Forest Management Agreements that are entered into with partners under the *Forest Management Act*.
- For protected areas, the Minister of ENR and Cabinet approve GNWT appointments to

territorial protected area management boards under the *Protected Areas Act*.

## Lands

- Lead and coordinate most environmental assessment decisions in the Mackenzie Valley and the Inuvialuit Settlement Region
- Appoint land use inspectors
- Hold and approve form of reclamation security for land use permits and other land instruments
- Land management and administration – leases and other tenure instruments



- The Minister of Lands has responsibilities under land legislation.
- The Minister leads GNWT decision-making on environmental assessments in the Mackenzie Valley and the Inuvialuit Settlement Region. The Minister signs the final decision letter for projects in the Mackenzie Valley that are not on federal land.
- The Minister appoints land use inspectors, also known as resource management officers, and holds and approves the form of reclamation security.
- The Minister has authorities for land administration, such as leases.

# Questions?



Government of  
Northwest Territories

29

- Thank you for your time today.
- We would be pleased to respond to any questions.



# Landfill Management Panel

**Presentation for:** Standing Committee on Economic Development and Environment

**Presented by:** MACA



# Overview

- State of Solid Waste Sites in the NWT
- Solid Waste Site Life Cycle
- Municipal Challenges
- Solid Waste Site Improvements

# State of Solid Waste Sites in NWT

## Basics

- 32 Municipal Disposal Sites in the NWT
- Communities operate their solid waste sites (SWS)
- SWSs require a water licence
- 11 SWS's have more than 10 years of life expectancy
- 12 Communities have dedicated staff for their SWS
- Approximately 5 communities hire a local contractor to operate SWS
- Many communities with historic hazardous waste stockpiles
- Wildlife a growing concern

# Solid Waste Site Life Cycle

- I. Siting, Approvals, Construction (est. 5 years)
  - Costly and takes several years
- II. Operation (20-40 years)
  - Regular staff, and equipment activities
  - Environmental Services Policy
- III. Closure & Post Closure (est. 20 years)



# Municipal Challenges with Operations

- SWS might not be engineered
- Basic segregation
- Staff, equipment, cover material, cell sequencing
- Storing hazardous waste from residents
- Keeping industrial hazardous waste out
- Transporting materials out



# Closure and Post Closure

Prior to closing out a solid waste site

- Site and develop a new solid waste site
- Remove stockpiles from the old site
- Place final cover
- Monitor the site for approximately 20 years



# MACA's Role with Municipal Solid Waste Sites

- Assist with Capital Planning, and Asset Management
- Provide Technical Support
- Develop and deliver training
- Developing the Water and Sewer Funding Policy
- Regional Community Works Advisors
- Project Management in smaller communities
- Tracking and promoting municipal water licence compliance
- Coordinating Regional Projects to remove Historic Stockpiles



# Addressing Historic Stockpiles

Federal Funding: Investing in Canada's Infrastructure Plan (ICIP)

- 5 regional projects to remove historic stockpiles of hazardous waste and scrap metal
  - Projects in Inuvik and Sahtu are underway
  - Dehcho, S. Slave, and N. Slave are approved
- Establish a periodic system of backhauling.



Removing Hazardous Waste  
Removing Scrap Metal





# Other Initiatives

- New solid waste standard
- Composting projects
- A wildlife working group
- Certification course for solid waste site operators
- Comprehensive risk index



# The End

- Thank you, Please ask questions.





# Public Forum - Landfill Management in NWT

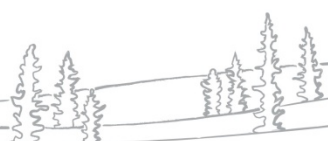
Diep Duong, Director - Environmental Protection and Waste Management

Department of Environment and Natural Resources

October 22, 2021

**Appendix C**

Government of  
Northwest Territories



# Presentation Outline

- Key NWT Waste Statistics
- Key Waste Issues and Considerations
- New Priority Materials and Programs
- Implementing our Plans



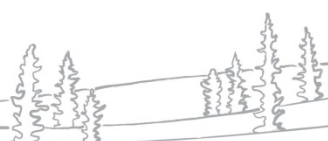
# Key Waste Statistics

## COMMUNITY LANDFILLS

- **21** landfills have stockpiles of hazardous waste
- **2<sup>nd</sup> highest** waste disposal (kg/person/year) in Canada
- 946 kg/person/year
- Most landfills 20-30 years old
































## The # of community landfills that have...

An approved water licence	24
An approved operations and maintenance plan	12
Partial or full site access control	24
An electric fence	5
Historical hazardous waste	20
Minimal to no waste segregation	8



# Key Waste Stats: GNWT Recycling Programs

- ↓ approx. **7 million** plastic bags annually
- ↓ over **10,000 metric tonnes** of beverage containers 
- ↓ over **350 metric tonnes** of electronics 

	 SINGLE-USE RETAIL BAG PROGRAM (SRBP)	 BEVERAGE CONTAINER PROGRAM (BCP)	 ELECTRONICS RECYCLING PROGRAM (ERP)	TOTAL	
2019/2020	Quantity Reduced (t)	 34.1			
	Quantity Reused (t)		 263		
	Quantity Recycled (t)		 748	 80.5	
	Total Reduced, Reused & Recycled (t)	 34.1	 1011	 80.5	 1125.6
	GHG Reduced (MTCO <sub>2</sub> e) <sup>2</sup>	 54 ↓ CO <sub>2</sub> e	 2001.1 ↓ CO <sub>2</sub> e	 58.3 ↓ CO <sub>2</sub> e	 2113.4 ↓ CO <sub>2</sub> e
	Cars off the road <sup>3</sup>	 11.7	 435	 12.7	 459.4
CUMULATIVE TOTAL <sup>1</sup>	Quantity Reduced, Reused & Recycled (t)	 320	 10295	 350.2	 10965.2
	Total GHG Reduced (MTCO <sub>2</sub> e)	 506.8 ↓ CO <sub>2</sub> e	 19726.7 ↓ CO <sub>2</sub> e	 254.2 ↓ CO <sub>2</sub> e	 20487.7 ↓ CO <sub>2</sub> e
	Cars off the road	 110.2	 4288.4	 55.2	 4453.8

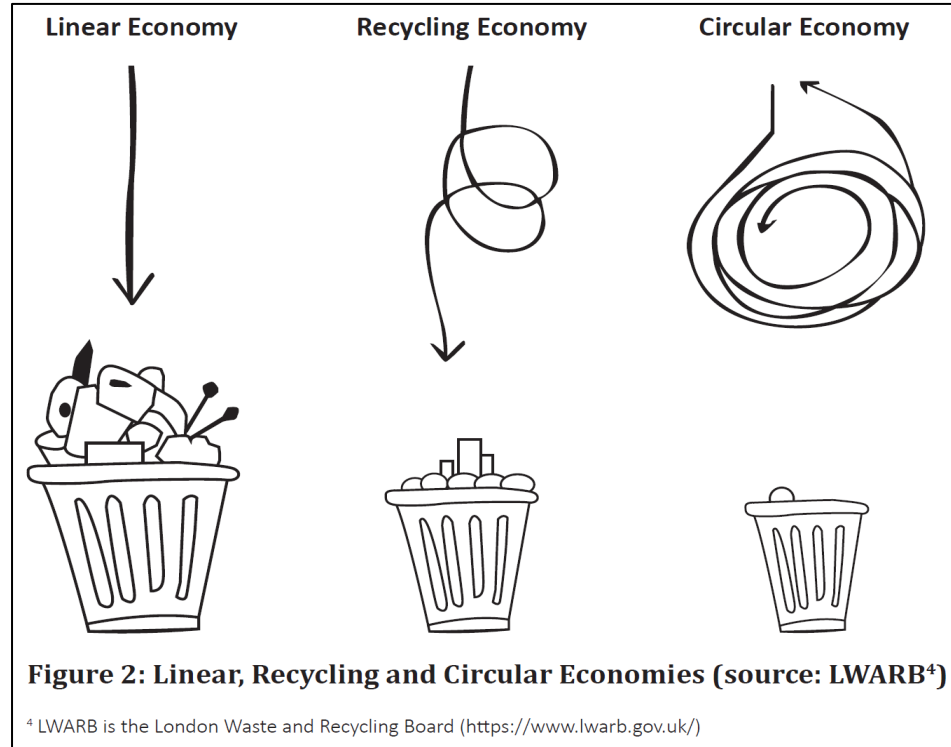
# Key Issues and Considerations:

## Waste reduction and management:

- Growing concern to improve practices to reduce, divert and better manage waste
- Logistical and cost challenges
- New federal priorities and funding
- Creates jobs and economic stimulation



# Waste Resource Management Strategy





# Key Issues and Considerations:

## Hazardous materials:

- Coordination of GNWT spill response
- Hazardous waste stockpiles

## Protecting our land, water and wildlife:

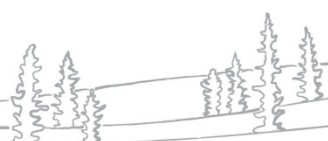
- Waste management to control wildlife attractants
- Reduce wildlife access



# Key Issues and Considerations:

## Landfill remediation:

- Landfills are typically closed and monitored as opposed to remediated
- Remediation economy discussion paper to include analysis of projects that require long-term monitoring, including landfills



# New Priority Materials and Programs

## Expanded Electronic and Electrical Products Pilot Project (E-Pilot):



1. Yellowknife
2. Hay River
3. Inuvik
4. Fort Smith
5. Fort Providence
6. Norman Wells

### **Additional products categories:**

- small home appliances
- audio visual equipment
- telecom, cell phone and wireless devices
- electronic gaming equipment
- portable power tools
- electronic toys
- electric musical instruments
- solar panels



# Waste Resource Management Strategy - Implementation

 1. Prevent and reduce waste at the source

 2. Divert waste from disposal

 3. Improve waste management facilities and practices

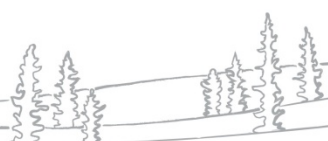
 4. Lead by example – Greening the GNWT





**Department of Environment and Natural Resources**  
Environmental Protection and Waste Management Division  
867.767.9236 ext./poste 53176

Diep\_Duong@gov.nt.ca



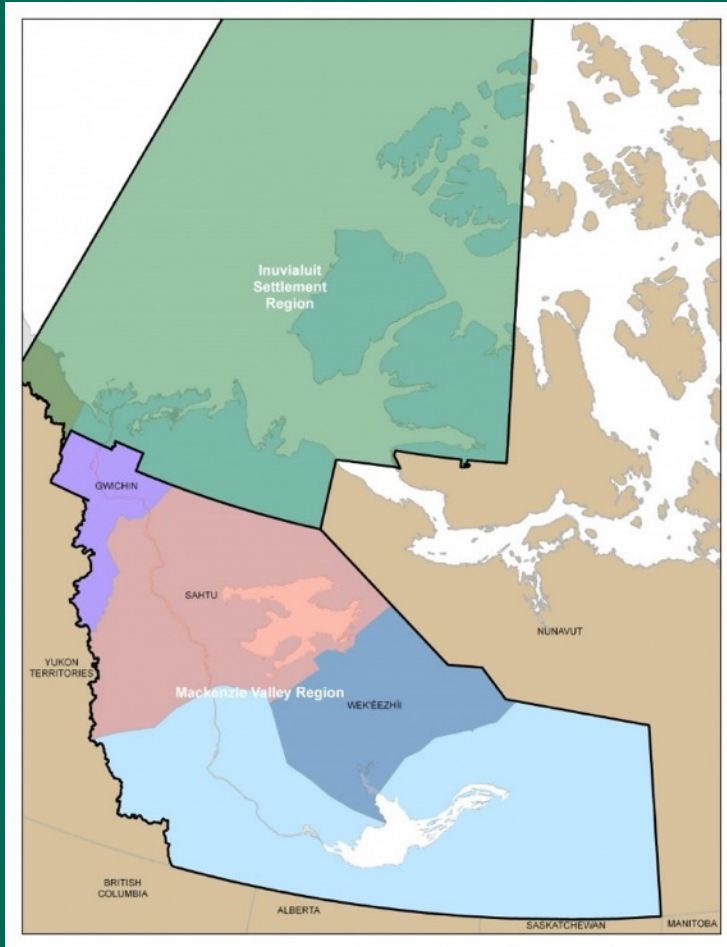
# Land and Water Boards of the Mackenzie Valley

Our Responsibilities Related to: the Regulation of Waste, and Contaminated Sites

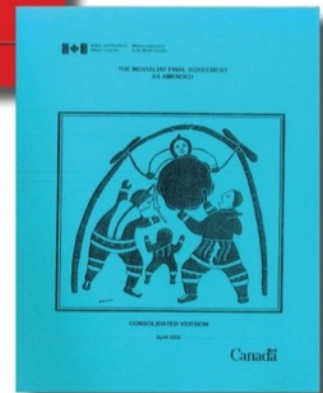
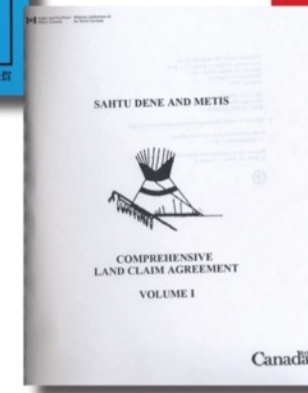
Shelagh Montgomery & Ryan Fequet, Executive Directors for the Mackenzie Valley and Wek'èezhii Land and Water Boards



# Land and Resource Management



## Land and Water Boards of the Mackenzie Valley





GWICH'IN  
LAND AND WATER  
BOARD



Wek'èezhì  
Land and Water Board

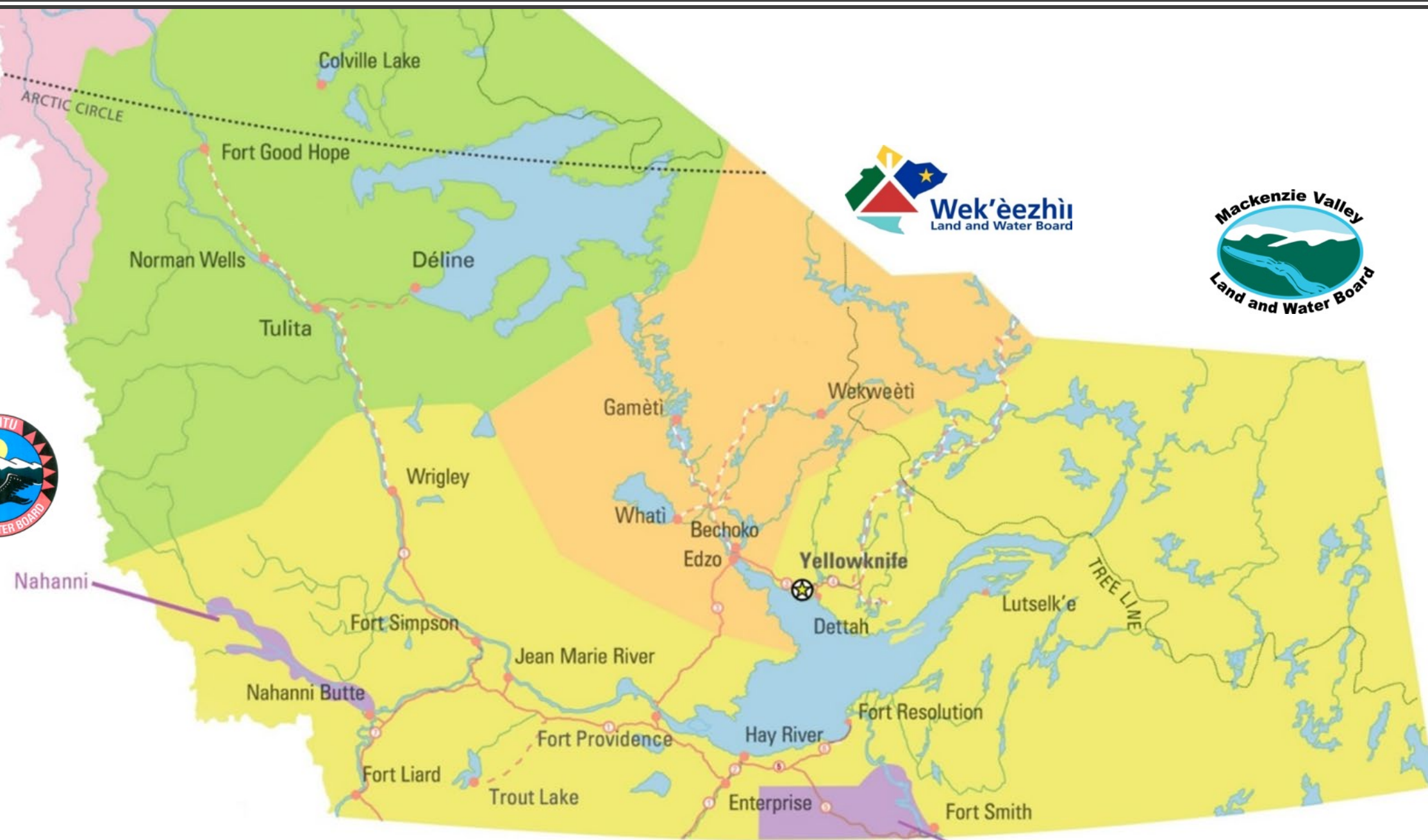


Mackenzie Valley  
Land and Water Board



SAHTU  
LAND & WATER BOARD

Nahanni





# Co-management

Land and Water Boards of the  
**Mackenzie Valley**



*Co-management* is a system that recognizes the Traditional Knowledge of residents and gives them the right to participate in decision making.

For the resource and regulatory Boards, it means a system of resource management that considers environmental, economic, and social concerns from Indigenous, Territorial, and Federal governments.

# Our mandate

- Provide for the conservation, development and utilization of land and water resources in a manner that will provide optimum benefit
- Must consider the importance of conservation to well-being and way of life to Indigenous peoples
- Consider Traditional knowledge and scientific information

Land and Water Boards of the  
**Mackenzie Valley**



# Function of the Land and Water Boards

Land and Water Boards of the  
**Mackenzie Valley**

- Ensure decisions are made in accordance with approved Land Use Plans
- Conduct Preliminary Screenings
- Regulate the use of land and water and the deposit of waste



Municipalities

Hydro Power Generation Facilities

Tourism Lodges & Operations

Forestry Operations

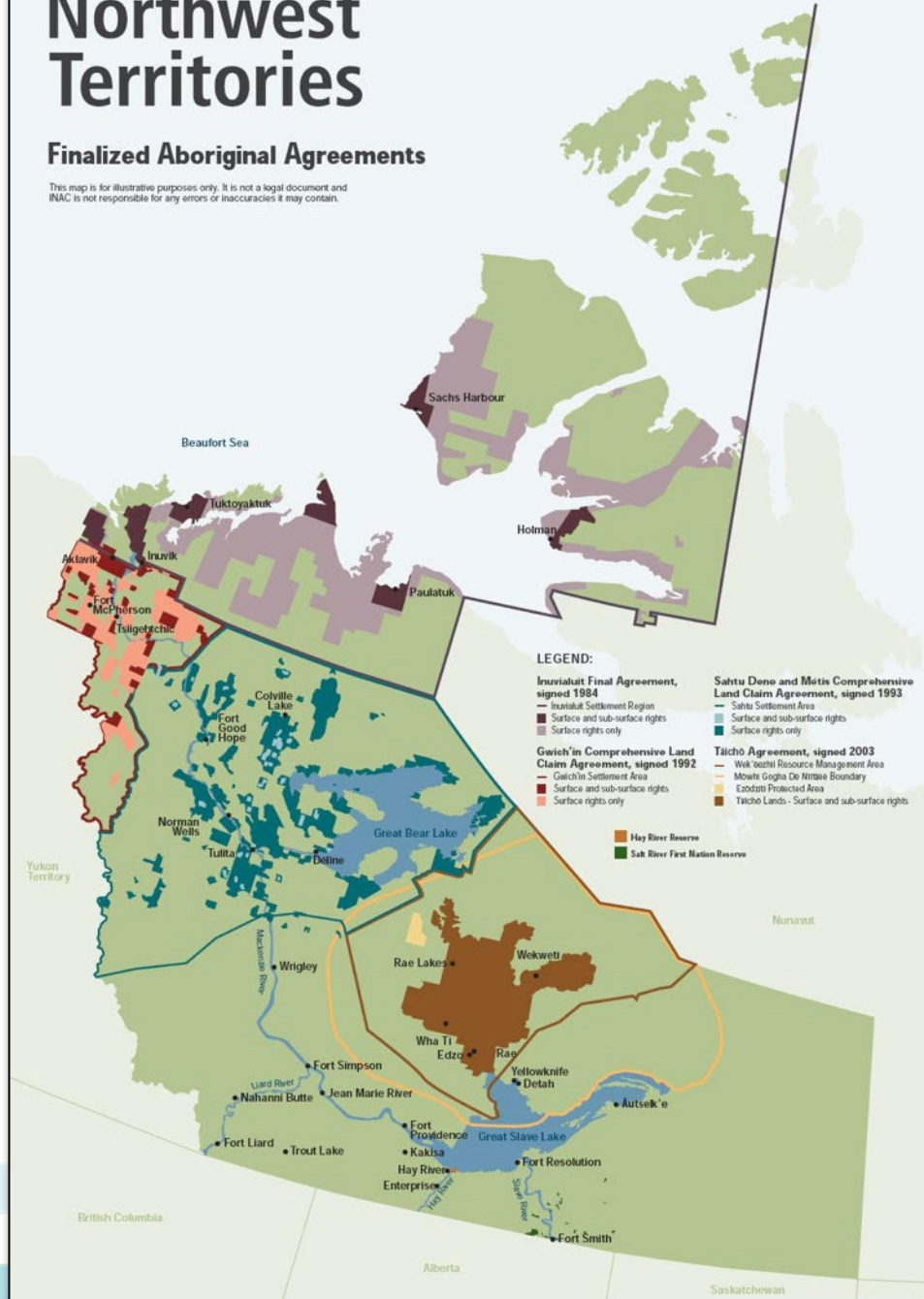
Oil and Gas Exploration

Oil and Gas Production Facilities

# Northwest Territories

## Finalized Aboriginal Agreements

This map is for illustrative purposes only. It is not a legal document and INAC is not responsible for any errors or inaccuracies it may contain.



Mineral Exploration

Advanced Exploration Sites

Mines

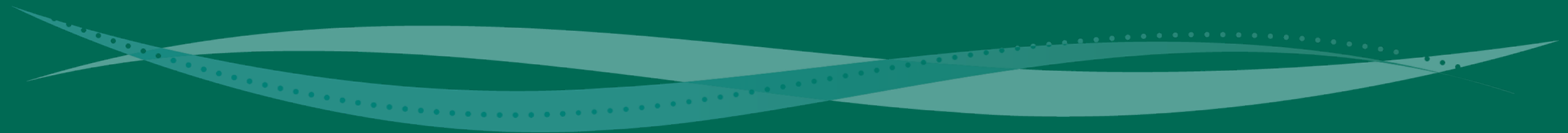
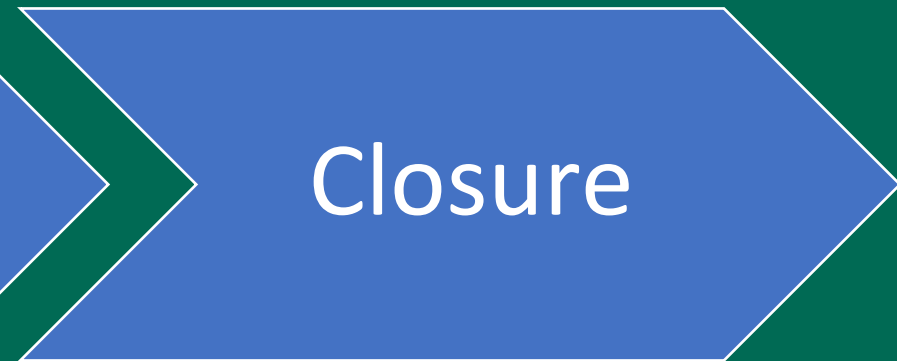
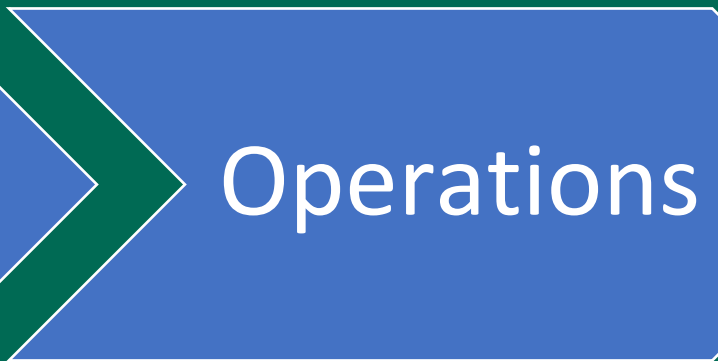
All-Season Roads

Winter Roads

Remediation Projects

# Life Cycle of Regulated Facilities

Land and Water Boards of the  
**Mackenzie Valley**



# Design

- Impacts Assessment
- Guidelines available
- Facility Designs require Board approval
- Public reviews ensure all expertise and input considered

## Land and Water Boards of the Mackenzie Valley



# Design

- Impacts Assessment
- Guidelines available
- Facility Designs require Board approval
- Public reviews ensure all expertise and input considered

## Land and Water Boards of the Mackenzie Valley



- GNWT has a legal obligation to participate in or conduct Preliminary Screenings
- GNWT and LWBs typically partner on guideline development
- GNWT-ENR and Lands Departments are a significant contributor within the public review process

# Operations

- Federal and Territorial inspectors on the ground
- Operations and Maintenance and/or Management Plans require Board approval
- Public reviews ensure all expertise and input considered
- Ongoing monitoring a requirement for all Licensees
- Annual Reports a requirement for all Licensees

## Land and Water Boards of the Mackenzie Valley





# Operations

- Federal and Territorial inspectors on the ground
- Operations and Maintenance and/or Management Plans require Board approval
- Public reviews ensure all expertise and input considered
- Ongoing monitoring a requirement for all Licensees
- Annual Reports a requirement for all Licensees

## Land and Water Boards of the Mackenzie Valley



- GNWT-ENR and GNWT-Lands both have Compliance and Enforcement (Inspections) divisions
- GNWT has guidance documents
- GNWT-MACA to support communities manage waste more effectively
- Inspectors review monitoring reports to ensure compliance

# Closure

- Closure Plans require Board approval
- Public reviews ensure all expertise and input considered
- The LWBs set security for non-govt projects
- Inspectors on the ground
- Post-closure monitoring

## Land and Water Boards of the Mackenzie Valley



# Closure

- Closure Plans require Board approval
- Public reviews ensure all expertise and input considered
- The LWBs set security for non-govt projects
- Inspectors on the ground

## Land and Water Boards of the Mackenzie Valley



- GNWT-ENR & Lands play an important role is establishing closure objectives and criteria
- GNWT-ENR & Lands determines form of security and holds it\*\*
- Inspectors confirm closure objectives have been achieved

## The Challenges

- Gaps in technical guidance (e.g., design of landfills and lagoons, groundwater monitoring)
- Capacity of communities\*\* (internal & external)
- Overlap/duplication of efforts/programs (e.g., CBM & SNP and SWP and WL)
- Enforcement capacity
- Lack of relinquishment process (for industrial activities)



Land and Water Boards of the  
**Mackenzie Valley**

# The Solutions

- Settle Land Claims
- GNWT and LWBs prioritize development of guidance
- GNWT provide adequate support/resources to Inspectors
- GNWT to align Water Strategy to reduce program duplication
- GNWT collaboratively develop a relinquishment process
- GNWT to consider the highest priority legislative amendments

Mársı | Kinanāskomitin | Thank  
you | Merci | Hąj' | Quana |  
Qujannamiik | Quyanainni |  
Máhsı | Máhsı | Mahsı

Land and Water Boards of the  
**Mackenzie Valley**





# NWT Waste Management and Site Remediation





# Peter Houweling - Kavanaugh Bros. Ltd.

- Waste removal and trucked sewage collection business
- Kavanaugh now includes waste solutions:
  - Recycling: tires, wood and steel
  - Landfill services: consultation, management, compaction and organization
- Certified Landfill Manager and Landfill Operator – over 10 years of experience in waste removal, waste diversion and landfill operations.
- Chair of the GNWT ENR Waste Reduction and Recycling Committee and member of the Solid Waste Association of North America – Northern Lights Chapter (SWANA).





# Goals for Waste Management in the NWT

- **After working in the waste industry for over a decade:**
  - Offer sustainable and meaningful waste solutions.
  - Focus on waste diversion tactics that are applicable and achievable in northern communities.
  - Create local business opportunities in waste solutions.
  - Provide holistic approaches to landfill management and training.
    - Leads to long-term sustainable programs.
  - Maximize efficiency, through approaches like backhaul opportunities for waste removal.
  - Create collaboration between public and private sectors.

## Case Study: Sachs Harbour

- In 2019 Kavanaugh was approached to visit and provide a written assessment of the landfill in efforts to create landfill air space



# Case Study: Sachs Harbour

- Due to flights, a 2-day stay was required.
- Staff used on-site equipment to perform segregation, compaction and sorting.
- In 2 days, an expansion area of 30m x 30m (1800m<sup>3</sup>) of gained air space was achieved through basic sorting methods
- Limited community members available to assist/learn.





## Case Study: Sachs Harbour

- **Potential Success story?**
- Will the community continue to segregate the waste?
  - Had a community staff member participated in the segregation process, would that have given them empowerment and ownership of the landfill? There were community members involved, but not formally, and no training was completed.
- Is the landfill closed for public drop off now?
  - If not, will the public segregate the waste as per Kavanaugh's system?
- There were intended plans for Peter to return to Sachs Harbour for further landfill assessment and to provide training to the community.
- Should a transfer station approach be introduced?



# Project vs. Program

- **Projects:**

- Typically result in temporary solutions with vast scopes and tight timelines.
- Our North American culture is very reactive, resulting in short-term corrections.

- **Programs:**

- Can create a long-lasting legacy.
- Can be a series of “projects” that help create the program. These small projects must be more detailed and realistic for a defined market.
- Programs support new business, as the work is repetitive.
  - Can secure lending, create long-term jobs and have lasting effects.



# Case Study: Sachs Harbour as a Program Instead

- **Program: Empower Community Members in Landfill Management**
  - **Project 1:** Work with community staff to integrate segregation at landfill.
  - **Project 2:** Work with community staff to close landfill to public and create transfer stations (drop-off points for locals) that landfill staff will then routinely move into the segregated landfill. \*Hazardous waste should not even enter the landfill.\*
- **Program: Create Business Opportunities for Locals**
  - **Project 1:** Community bans certain materials from landfill (e.g., cardboard, wood, steel, hazardous material, etc.)
  - **Project 2:** Assistance provided to local business to collect banned materials at new transfer site, successfully diverting material from landfill



# Creating a Program – The Start

- **Reduce the scope and increase the timelines for increased success**
  - Ability to start with a pilot project and then transfer key learnings for the next locations, creating efficiencies, increased effectiveness and financial savings
  - Ability to support creation of new local business, allowing time for establishment
- **Identify and engage local champions**
  - Helps to build program sustainability through community engagement



# Creating a Program – Approach

- Collaboration through existing territorial recycling programs, which assists with back haul and can share local champions.
- Have as much work done locally as possible.
  - bulking, labeling, prepping for shipping
- Foster collaboration between public and private sectors.
- Cross-training between waste management sites can be transferred to remedial cleanup projects. (Require similar skill sets)
- Creation of a back-haul program (one of the most challenging pieces of our recent proposal was coordination through a GNWT shipping entity)
- The GNWT is the owner and should be the biggest champion.
- SWANA conference in YK in 2023 (training opportunities)





# Creating a Program – End Goal

- Lasting impacts such as economic development, long-term job creation, and sustainable environmental protection.
- Cost savings locally and territorially.
- Smaller projects to help form a program. Each small project will feed the necessary information to aid in program creation.
- Training program plan.
  - Builds local jobs and engagement.



# Denendeh Development Corporation

September 28, 2020

Jackie Jacobson, MLA – Nanakput  
Chair - Standing Committee on Economic Development and Environment  
Legislative Assembly of the Northwest Territories  
[Jackie.Jacobson@ntassembly.ca](mailto:Jackie.Jacobson@ntassembly.ca)

Dear Mr. Jacobson:

**Re: Request to Standing Committee on Economic Development and Environment**

On behalf of the NWT Indigenous Leaders Economic Coalition, I am would like to request an opportunity to address the Members of the Standing Committee on Economic Development and Environment. I would like to make a short presentation on the work of the Coalition and discuss ways the Coalition and the GNWT can collaborate to strengthen the economy of the NWT and address the economic inequities experienced by many of our Indigenous communities.

Thank you for your consideration of this request, and I look forward to an opportunity to address the Standing Committee on our shared goal of economic prosperity for all residents of the NWT.

Yours sincerely,

Darrell Beaulieu  
CEO  
Denendeh Group of Companies

c.c.: Michael Ball, Clerk



# NWT **INDIGENOUS LEADERS** ECONOMIC COALITION

Coalition Presentation to the Standing Committee on  
Economic Development and Environment

October 22, 2020

# Who We Are

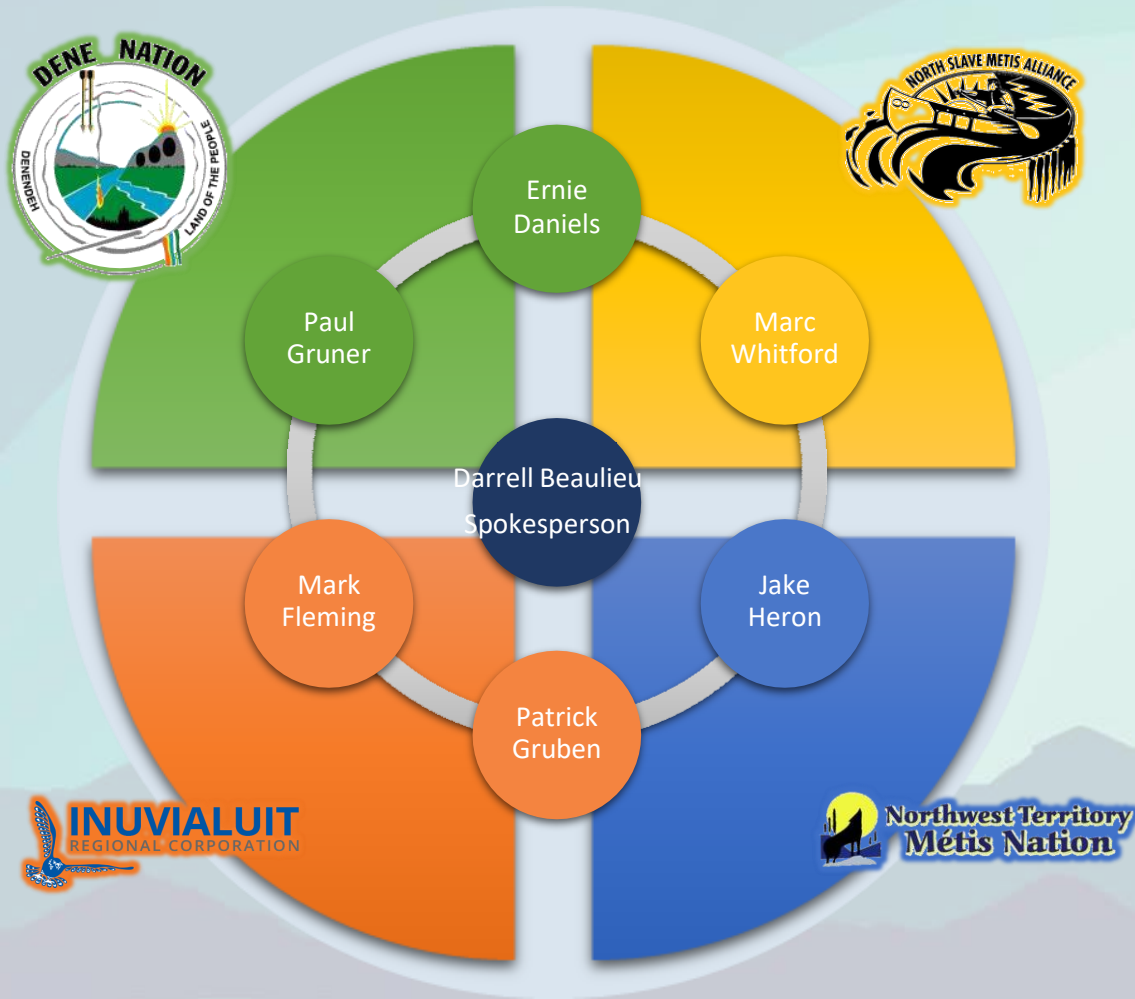


We represent the combined economic potential of the Indigenous people whose ancestral territories cover the Northwest Territories.

While we each represent distinct and resourceful Indigenous communities pursuing our own interests, we will come together to take on the complex territorial challenges that threaten our future prosperity.

Together we will be the catalyst to grow and diversify the economy that sustains our people for generations to come.

# Investor Committee Mandate



- Represent the interests and values of the Indigenous coalition members
- Direct due diligence and research to identify Investment Opportunities that best fits the approved investment criteria and guiding principles
- Approve specific Investment Vehicles for Opportunities
- Secure formal support from governments and industry
- Circulate a high-level project investment briefing to all Indigenous Coalition Members with a non-disclosure agreement (NDA) for interested parties
- Deliver Investors' meetings

## Indigenous Gatherings:

June 19, 2014

*Fort Smith*

**Dene Nation Assembly**

**Outcome:**

Dene Nation Motion directing DDC to take a leadership role and work with other Indigenous governments to support controlled resource exploration and development and to establish export corridors that will contribute to long-term social and economic benefits

May 16, 2018

*Yellowknife (DDC)*

**NWT Indigenous Leaders  
Economic Planning Forum**

**Outcome:**

Leaders confirmed their will to work together based on traditional values of sharing and helping each other, and focusing on Indigenous ownership.

Leaders mandated a larger Forum to involve more Indigenous community economic leaders

December 11-12, 2018

*Yellowknife (DDC)*

**NWT Indigenous Leaders  
Economic Forum**

**Outcome:**

Indigenous leaders identified action plans for various economic sectors and mandated the formation a Working Group, hire Consultants to produce a Five-Year Plan and follow up with a 2019 Forum

December 11-12, 2019:

*Yellowknife (DDC)*

**NWT Indigenous Leaders  
Economic Forum**

**Outcome:**

A Framework for 5 Year Strategic Plan was presented and and consensus received for moving forward . A Joint Communique was released expressing the continued will to work together.

## GNWT Gatherings:

October 1-3, 2018

*Inuvik*

**GNWT Economic  
Symposium**

**Outcome:**

Participants acknowledged the NWT economy had diminishing revenue streams and few current prospects for resource development. The symposium supported the development of a business case for major projects and review of GNWT policies on economic measures

June 18, 2019:

*Yellowknife*

**GNWT Economic  
Symposium**

**Outcome:**

A Framework for Moving Forward was presented which addresses regulatory regimes, mineral strategies, alignment with the NWT Indigenous Leaders Economic Coalition, and, as a first priority, the creation of a NWT Natural Resources Venture Capital Fund

# Who We Are Not

We are not intended to displace Indigenous development corporations or any other NWT Indigenous entities

Our work will not disincentivize development corporation's aspirations to build and grow

**We are  
not...**

We will not compete for projects with regional or other NWT Indigenous entities

We will not act as a Chamber of Commerce nor a one stop for Project consultation

# Our Guiding Principles

## There is strength in numbers, but participation must be voluntary

- Coalition members may choose to participate in any investment opportunity brought forward.
- Coalition members will be presented with qualified investment opportunities, but are expected to conduct their own due diligence in order to make an informed investment decision.
- No Coalition member will be obligated to participate.

## No representation, derogation or interference with rights

- The Coalition will not pursue investments which are seen as having negative or opposing impacts on the rights, or similar claims/legal actions/negotiations, of any Coalition member(s).
- The Coalition's review of a project is not a signal of regulatory approval or a derogation of rights on the part of any Coalition member.
- Consultation with the Coalition is not to be considered collective consultation with any individual Coalition member.
- The Coalition's review of any project does not remove or otherwise change the "duty to consult" which would apply to the project and its proponent(s).

## No competition with individual members

- It is expected that the Coalition will invest in major projects which have significant capital requirements, or projects of strategic importance to economic development.
- The Coalition will focus on those projects that are beyond the capacity of any individual Coalition member to pursue; it will not compete against existing Coalition members.
- Coalition members may choose to invite the rest of the Coalition to participate in an investment opportunity, even if they have the capacity to pursue by themselves.

## Economic benefits are proportional

- Each Coalition member is expected to share in the profits from Coalition investments, in proportion to their share of the investment.
- Whether they are investors in a Coalition project or not, each Coalition member is still entitled to the same accommodations/benefits that would be owing to them as a result of any impacts that a project has on their rights, their lands and the use of those lands.



# Target Sectors Identified

During previous gatherings, NWT Indigenous leaders identified target sectors of immediate and/or critical need for NWT economy. **The three “Target Sectors” were as follows:**



## Transportation Infrastructure

- All season roads and access corridors
- Bridges
- Ports



## Energy

- Generation
- Transmission



## Housing

- Construction
- Development
- Procurement

# Magnitude of Projects

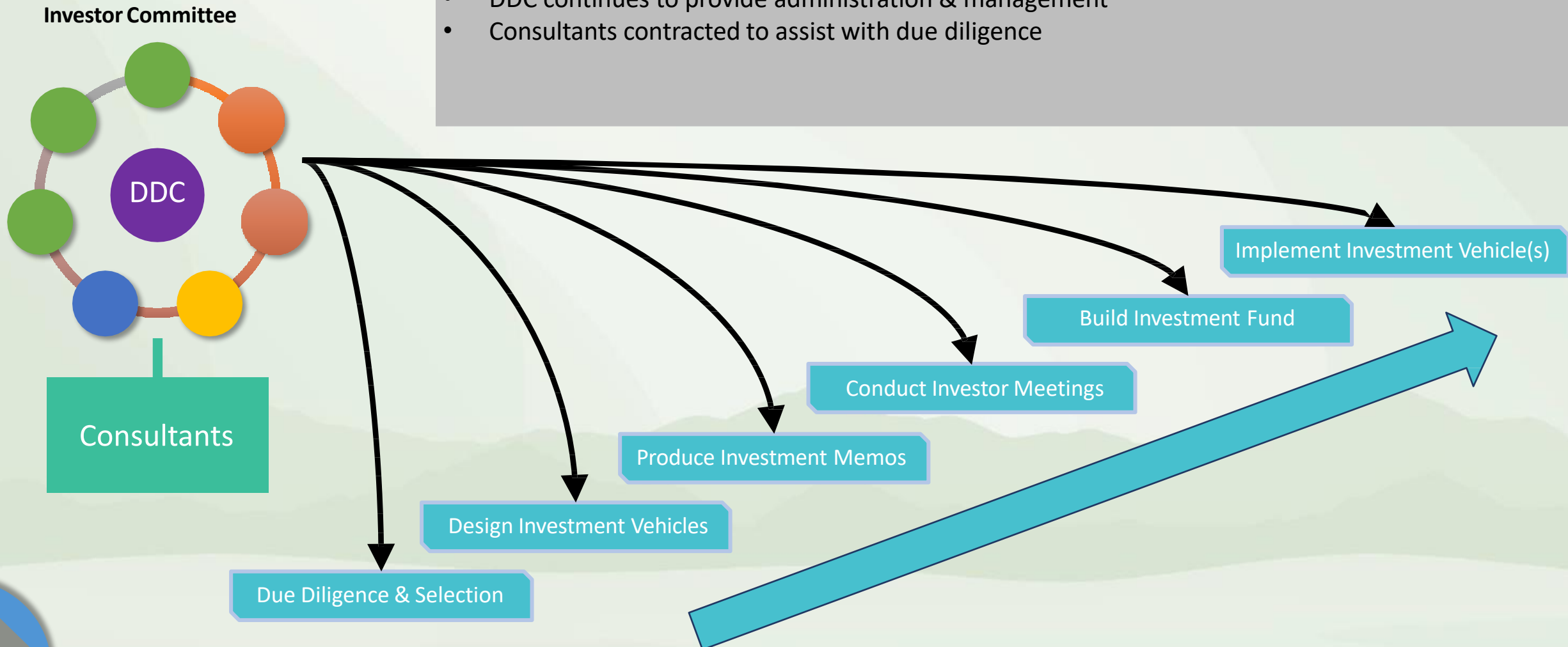
The scale, scope and magnitude of projects in the NWT vary significantly but all of the identified projects require collaboration and will result in a significant economic impact on NWT

Project	Category	Estimated Cost
Slave Geological Province Corridor	Transportation/Energy	\$1.1B
Taltson Dam Expansion	Energy	\$1.2B (2014)
Mackenzie Valley Highway	Transportation	\$700M
NTPC Utilities Ownership	Energy	\$200M
Hotel	Real Estate	\$30M
<b>RANGE:</b>		<b>\$30M – \$1.2B</b>

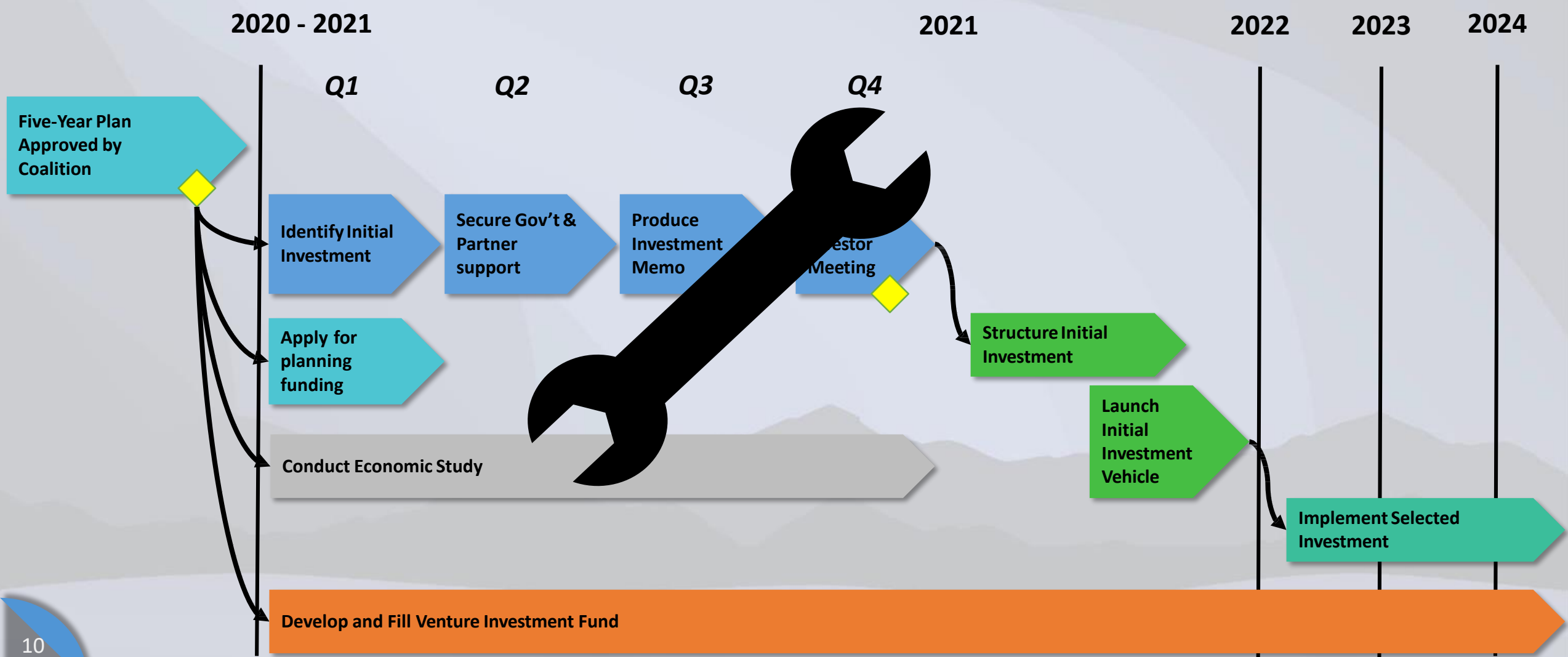
***What makes our Coalition unique is that we are not only potential investors, but we are all members of this community. We have many options to engage capital, but we want to create a mechanism that allows us to generate a benefit for ourselves and become owners in projects that will attract private investments and create lasting impacts in the NWT***

# Proposed Governance & Administration

- Investor Committee to provide overall direction
- DDC continues to provide administration & management
- Consultants contracted to assist with due diligence



# 5 Year Timeline – DELAYED due to Covid



# Go Forward Funding

Commencing Spring 2020, DDC applied for the funding required to facilitate work of the Investor Committee. GNWT has recently committed \$50,000 for 2020-21 and CanNor Yellowknife are recommending \$200,000 (to CanNor Ottawa) for the 2020-21-22 Fiscal year.

## Funding Proposals Submitted

Based on a 5 year budget  
of \$3.9m

## Target Funders:

- GNWT
- CanNor
- INAC

## Funding Activities:

- Investor Committee meetings
- Project Due Diligence
- Investor Meetings
- Accounting and Reporting
- Project Manager
- Creation of Investment Fund

**Examples where the  
Coalition may monetize the  
GNWT while establishing  
collaborative partnerships**



# Real Estate Considerations

Identify GNWT-owned property, value and strategic need.  
GNWT could prioritize the sale or lease of these properties in order of priority to maximize value.

Options could include:

Outright sale or lease to Indigenous enterprises of surplus property

Sale with GNWT leasing back the property



# Outsourcing Facilities & Services

- Various aspects of outsourcing could be targeted at Indigenous enterprises including:
  - Fuel and fuel delivery services
  - GNWT building maintenance
- Should include clear expectations of the GNWT (i.e. mandatory requirements)
- Targeting an initial 10-20 per cent cost reduction





# Electric Service in NWT

Both NTPC and Northland Utilities sales are flat or declining, yet costs pressures are increasing  
Rather than pursuing franchise battles, the GNWT could consider capturing a premium value of the assets by offering to either:

- Privatizing NTPC would deliver top dollar for the assets

- Create a P3 entity that would combine the utilities, eliminating duplication, while still capturing cash and earnings for the GNWT

- Both scenarios

  - could also require that no staff reductions would occur in the first three to five years
  - would reduce future capital requirements of the GNWT for system improvements



# Questions?



**Slide 1 – Title Page**

Thank you for the opportunity to give this presentation.

My name is Pauline de Jong. I am the Executive Director of the Office of the Regulator of Oil and Gas Operations - OROGO.

The presentation will start with a review of our mandate and responsibilities. Then I will provide an update on recent and anticipated activities.

I look forward to answering any questions the committee may have at the end of the presentation.

## Slide 2 – Establishment

OROGO was established with devolution on April 1, 2014.

On August 2, 2020, I was designated Regulator under section 121 of OGOA.

Our work is primarily carried out under the Oil and Gas Operations Act (OGOA) and, to a lesser extent, the Petroleum Resources Act (PRA). We also have responsibilities as a regulatory authority under the Mackenzie Valley Resource Management Act (MVRMA).

OROGO is housed in the Department of Justice for administrative purposes. Our interaction with the department is limited mainly to corporate functions like Finance, IT, and administration.

The Department is not involved in regulatory decision making.

### **Slide 3 – Mandate**

The Oil and Gas Operations Act sets out our purpose: primarily, to protect human safety, the environment, and to conserve oil and gas resources in the sense of making sure they are not wasted.

The amendments to OGOA which came into force in July 2020 did not change our core mandate.

Importantly, OGOA does not give the Regulator a mandate to promote oil and gas development.

## Slide 4 – Strategic Plan

OROGO's mission is to "Regulate oil and gas activities to keep people safe and protect the environment where we live and work".

Our Strategic Plan, which was approved in 2016, sets out our four strategic objectives:

1. Enhance certainty and predictability in our actions and in regulatory decisions
2. Promote accessibility and transparency in our work
3. Build and maintain resilient working relationships
4. Grow oil and gas regulatory capacity in the Northwest Territories

The Strategic Plan provides the lens through which we order and prioritize our work.

## Slide 5 – Jurisdiction

Our jurisdiction is shown in green on this map.

It includes the onshore Northwest Territories, except the Inuvialuit Settlement Area and federal areas that were retained with devolution.

The most significant of these from an oil and gas perspective is the Norman Wells Proven Area.

The Inuvialuit Settlement Region and the Norman Wells Proven Area continue to be regulated by the Canada Energy Regulator (formerly the National Energy Board).

The Canada Energy Regulator also continues to regulate trans-boundary pipelines.

Our jurisdiction largely corresponds to the Mackenzie Valley under the MVRMA.

## Slide 6 – Responsibilities

These are the primary responsibilities of the Regulator.

Under OGOA, all oil and gas activities require authorization by the Regulator. This includes exploration/drilling, production, seismic and suspension/abandonment operations.

I should clarify that “abandonment” in the oil and gas industry means the permanent plugging, cutting and capping of a well. Abandonment of the well is an important step towards reclamation of the land.

Under the PRA, the Regulator is responsible for making declarations of significant discovery or commercial discovery.

As a regulatory authority under the MVRMA, the Regulator is responsible for conducting preliminary screenings of applications for Operations Authorizations and for assessing conformity with the Land Use Plan.



## Slide 7 – Service Agreements

OROGO's size and the current level of activity means that it is impractical to maintain the level of technical expertise on hand necessary for all aspects of oil and gas regulation.

Our service agreements with the AER and CER give us access to technical expertise we do not have in-house.

We have also established separate as-and-when contracts for those situations where our service agreement partners are not able to provide assistance.

## Slide 8 – Oil and Gas Resource Management

I want to close off this discussion of OROGO's roles and responsibilities by situating us within the overall framework for oil and gas resource management in our jurisdiction.

The Operations Authorizations issued by OROGO are only a small part of the puzzle.

The first component is the Land Use Plans. These identify where oil and gas activities may occur and under what conditions.

Next are the Exploration and Production Licences issued by the Department of Industry, Tourism and Investment. These licences give a company access to the resource in a defined area.

Getting to the resource usually requires Land Use Permits and, often, Water Licences issued by the Land and Water Boards of the Mackenzie Valley. These permits and licences allow for the construction of roads, ice bridges, etc., for establishing camps to house workers, and for disposing of waste.

The final piece of the puzzle is the Operations Authorization issued by the Regulator, which allows for the specific activity associated with a well, pipeline or other oil and gas infrastructure.

## Slide 9 – Oil and Gas Activity

Moving onto some of OROGO's recent and anticipated future activities.

In 2019-20 there was less activity than in the previous year, but still steady progress towards meeting the requirements of the Well Suspension and Abandonment Guidelines and Interpretation Notes.

Based on applications received, OROGO anticipates that well abandonment activities will continue this winter with 4 operators in the field in the Sahtu and Dehcho regions.

However, the crews to carry out these activities come to the Northwest Territories from other jurisdictions – primarily Alberta and British Columbia. Therefore, the Chief Public Health Officer must approve their entry into the NWT. The companies in question are waiting for the CPHO's decision. If the CPHO does not allow these programs to go ahead, this work will be delayed until the 2022 winter season.

## Slide 10 – Inspections and Incidents

A key part of OROGO's regulatory compliance responsibilities is conducting regular on-site inspections of approved activities.

In 2019-20, OROGO conducted 5 on-site inspections, which encompassed 15 suspended wells sites and a shut-in production facility with associated gathering pipelines from the well site.

OROGO's compliance team also reviews and follows up on any issues related to:

- The inspections of suspended wells conducted by operators
- Operations reports (which relate to the authorized activity)
- Annual environmental and safety reports

During the 2020 winter field season, operators reported 4 incidents and 2 near misses to OROGO.

OROGO responded to these both administratively and on-site.

As soon as possible following the report of an incident, OROGO posts an Incident Status Report on our public registry. These summary reports are updated as new information becomes available.

## Slide 11 – Suspended Well Status

This slide shows the increase in the number of suspended wells that have been brought into compliance with the Well Suspension and Abandonment Guidelines, which were released in 2017.

The number of compliant suspended wells (in blue) is increasing, while the number of non-compliant suspended wells (in red) is decreasing. The total number of suspended wells is also decreasing as wells are permanently plugged, cut and capped.

We anticipate that the work scheduled for the 2021 winter season will address most of the remaining non-compliant suspended wells.

Most of the compliant suspended wells are scheduled for abandonment by January 31, 2023, unless they are brought back into production in the meantime.

## Slide 12 – Guidelines and Interpretation Notes

One of tools available to OROGO is issuing formal guidelines and interpretation notes. We do this to meet our objective of enhancing certainty and predictability in our work and promoting transparency about how we regulate.

To date in 2020-21, the Regulator has issued three new guidelines:

- Public Access to Information Guidelines and Interpretation Notes
- Public Hearing Guidelines and Interpretation Notes
- Revised Document Submission Guidelines.

In development, and anticipated by March 31, 2021, are three additional guidelines:

- Applications for Well Suspension or Abandonment Guidelines and Interpretation Notes
- Contingency Plan Guidelines and Interpretation Notes
- Proof of Financial Responsibility Guidelines and Interpretation Notes

I'd like to take this opportunity to thank the committee for the time it has taken to review and provide input into our guidelines during the public engagement and consultation process.

## Slide 13 – Accessibility

OROGO's Information Office continues to enhance the accessibility of historical well and seismic program information to the public.

An important achievement since devolution has been the digitization of the well history files and seismic program reports. This allows us to share this information electronically.

From April to November this year, we have shared 1,501 well history files and 13 seismic files.

We have also responded to 68 public inquiries and we continue to meet our service standard – responding to inquiries within 24 hours – in over 95% of cases.

The Information Office is also the contact point for approvals for core sampling requests. The Manager is currently working with the Geological Survey of Canada to promote continued access to core samples, despite COVID-19 restrictions at the core facility in Calgary.

## Slide 14 – Updated Public Registry

The amendments to OGOA that came into effect in July 2020 significantly change the approach to confidentiality of information provided to the Regulator. The default position is now that all information is public.

OROGO's improved public registry is one of the ways we are sharing information about oil and gas activities with the public.

We are posting applications, information requests and responses, decisions, reports and other related documents on the public registry.

Information that is not on the registry, and is not confidential, can be accessed by contacting the Information Office.

OROGO's updated public registry was developed in partnership with the Land and Water Boards of the Mackenzie Valley. It uses the same platform and the look-and-feel is similar. Our intention was to make our public registry easy to use and help the public recognize and navigate the full scope of regulation for a project.



## Slide 15 – Other Activities

This final slide captures some of OROGO's other activities.

OROGO's well watch program is an avenue for communities to work with OROGO to address any concerns about abandoned wells. Communities can alert OROGO to any abandoned wells in their area that may be of concern to the local environment.

OROGO continues to participate in conferences and tradeshow where possible. Most recently, we provided a virtual presentation to the Geoscience Symposium.

In keeping with our strategic objective of building and maintaining strong working relationships, OROGO is a member of several groups of regulators, including the NWT Board Forum and the Western Regulators Forum. We also have Memoranda of Understanding with a number of other regulators, including the CER and the WSCC.

OROGO also continues to build northern oil and gas regulatory capacity. Most recently, OROGO facilitated H<sub>2</sub>S Alive training, which is required in order to access oil and gas sites, through a local service provider. Over the course of three days, 10 GNWT department employees and 2 Land and Water Board staff received the training, in addition to 5 OROGO team members.

# Briefing to Standing Committee on Economic Development and Environment

EDE-45-035



December 8, 2020  
Yellowknife

**OROGO**

NWT OFFICE OF THE REGULATOR OF OIL AND GAS OPERATIONS

**BOROPG**

BUREAU DE L'ORGANISME DE RÉGLEMENTATION DES OPÉRATIONS PÉTROLIÈRES ET GAZIÈRES DES TN-O

# Establishment

- OROGO was established on April 1, 2014.
- The Commissioner in Executive Council designated Pauline de Jong as the Regulator on August 2, 2020.
- The Regulator has responsibilities under:
  - *Oil and Gas Operations Act*
  - *Petroleum Resources Act*
  - *Mackenzie Valley Resource Management Act*

# Mandate

- OROGO regulates oil and gas activities in order to:
  - Ensure human safety
  - Protect the environment
  - Conserve oil and gas resources
- OROGO has no mandate to promote development.

# Strategic Plan

## Mission

We regulate oil and gas activities to keep people safe and protect the environment where we live and work.

## Strategic Objectives



Enhance certainty and predictability in our actions and in regulatory decisions.



Promote accessibility and transparency in our work.



Build and maintain resilient working relationships.



Grow oil and gas regulatory capacity in the Northwest Territories.

## Vision

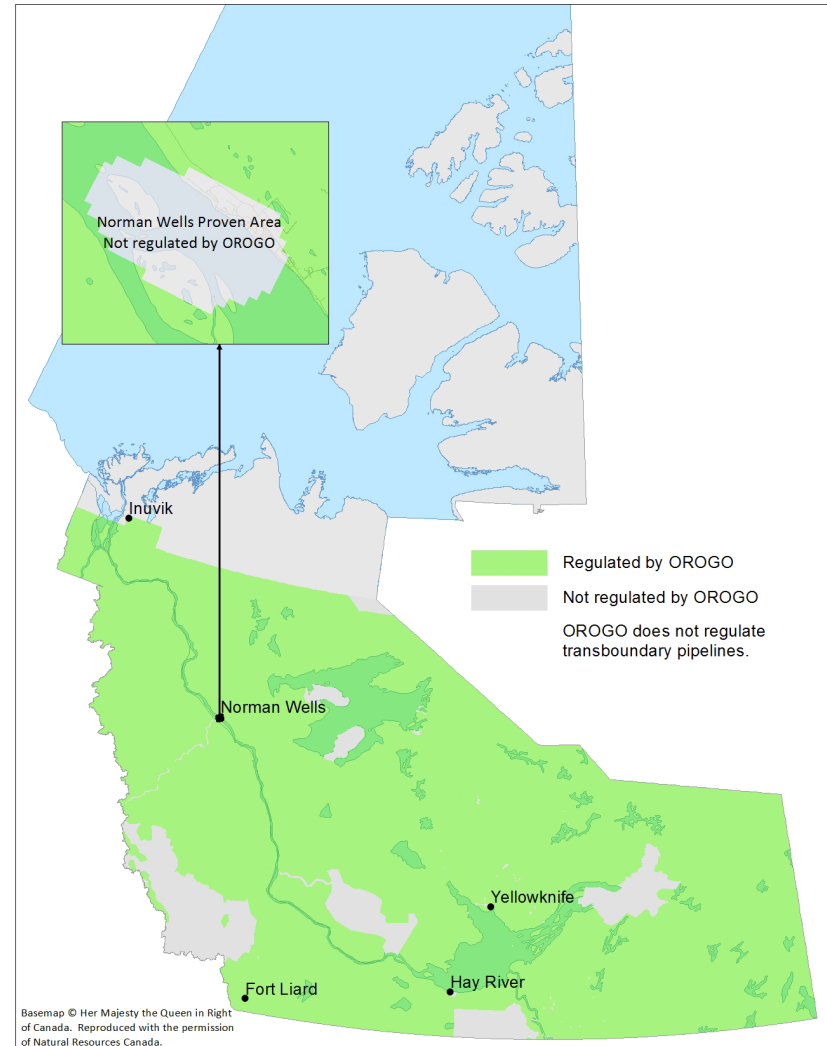
OROGO is a respected and effective regulator grounded in the values of Northerners.

# Jurisdiction

EDE-45-039

Onshore NWT except:

- Inuvialuit Settlement Region
- Retained federal lands
- Transboundary pipelines



# Responsibilities

## *Under OGOA:*

- Issue Operations Authorizations and Well Approvals
- Inspections
- Incident response
- Issue Guidelines and Interpretation Notes

## *Under the PRA:*

- Issue Significant and Commercial Discovery Declarations

## *Under the MVRMA:*

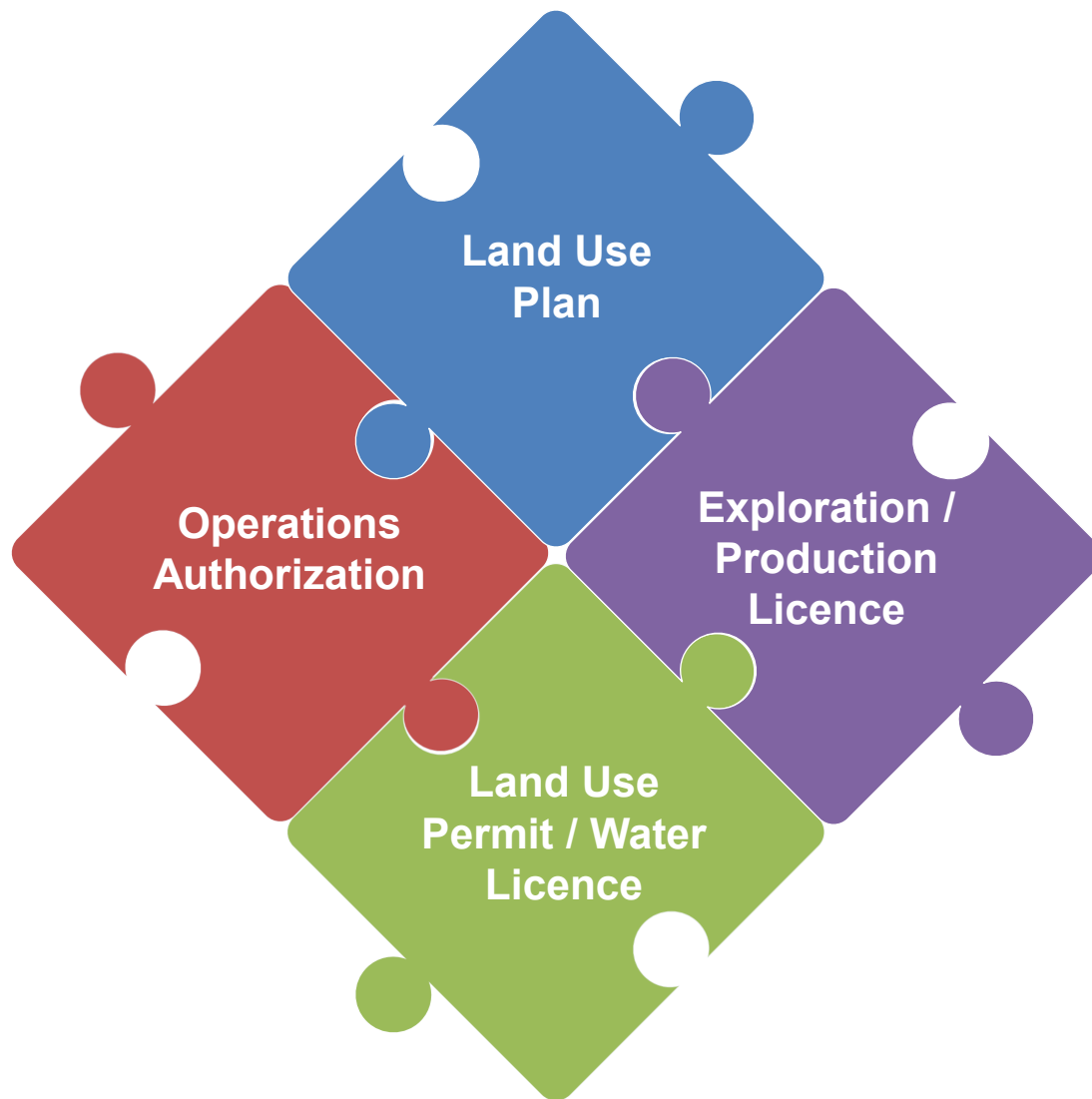
- Preliminary Screening
- Land Use Plan conformity

# Service Agreements

- OROGO has service agreements in place with the Alberta Energy Regulator (AER) and the Canada Energy Regulator (CER)
- The service agreements are for technical advice and support only
- OROGO also uses other contracted expertise when required



# Oil and Gas Resource Management



# Oil and Gas Activity

EDE-45-043

## Regulated activities in 2019-20:

- 2 well abandonments in the Dehcho region
- 3 well suspensions in the South Slave region
- Required operator-led suspended well inspections.

## Anticipated activities in 2020-21:

- 15 well abandonments in the Dehcho region
- 2 well abandonments in the Sahtu region
- Ongoing operator-led suspended well inspections

# Inspections and Incidents

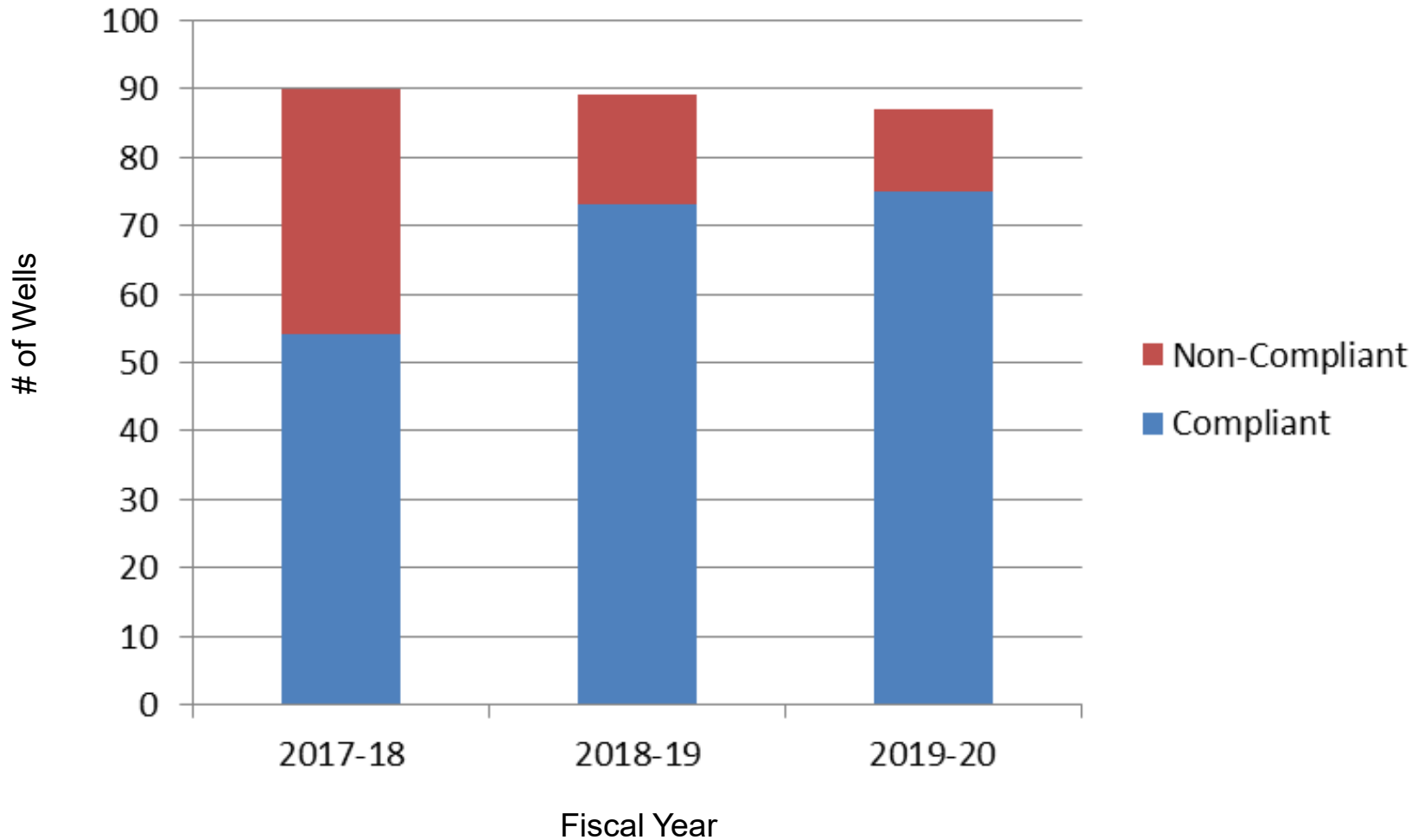
## In 2019-20, OROGO:

- Conducted five on-site inspections in the Dehcho and South Slave regions and in Inuvik;
- Reviewed all operator-led suspended well inspection reports; and
- Reviewed all operations and annual reports.

## In 2019-20 operators reported:

- 2 Incidents – Environmental
- 1 Incident – Injured Worker
- 1 Incident – Safety and Environmental
- 2 Near Misses – Safety and Environmental

# Suspended Well Status



# Guidelines and Interpretation Notes

## Issued in 2020-21:

- *Public Access to Information*
- *Public Hearing*
- *Document Submission*

## In development (by March 31, 2021):

- *Applications for Well Suspension or Abandonment*
- *Contingency Plan*
- *Proof of Financial Responsibility*

# Accessibility

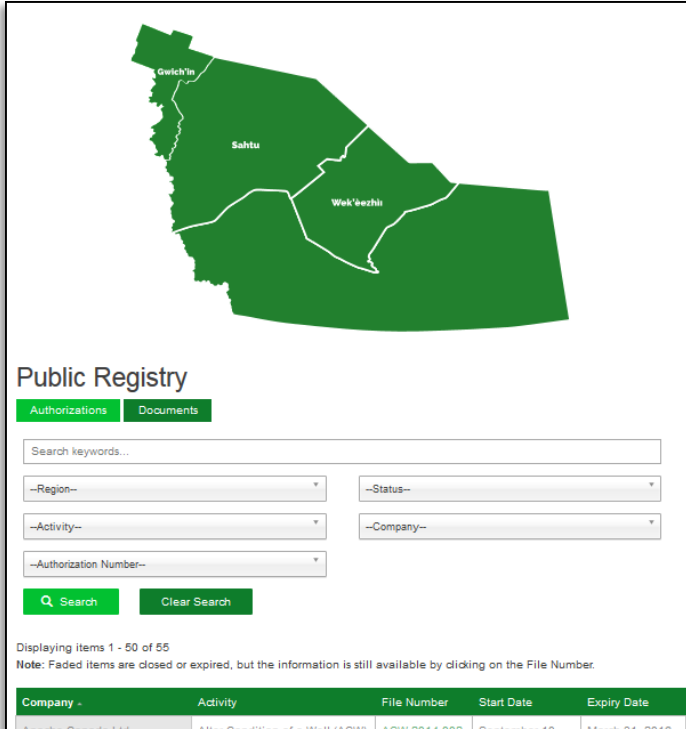
EDE-45-047

Item	2019-2020	Apr-Nov 2020
Public Inquiries	103	68
Well History Files	404	1,501
Seismic Files	9	13

# Updated Public Registry

EDE-45-048

- Amended OGOA allows more documents to be made available.
- Partnered with the Land and Water Boards of the Mackenzie Valley to use the same platform and similar interface.



The screenshot displays the 'Public Registry' interface. At the top, there is a map of the Mackenzie Valley region, divided into three areas: Gwich'in, Sahtu, and Wek'eezhii. Below the map, the title 'Public Registry' is followed by two tabs: 'Authorizations' (selected) and 'Documents'. A search bar is present with the placeholder text 'Search keywords...'. Below the search bar are four dropdown menus: '--Region--', '--Status--', '--Activity--', and '--Authorization Number--'. To the right of the '--Status--' and '--Company--' dropdowns, there is a '--Company--' dropdown menu. Below the dropdowns are two buttons: 'Search' and 'Clear Search'. Below the search filters, it says 'Displaying items 1 - 50 of 55' and a note: 'Note: Faded items are closed or expired, but the information is still available by clicking on the File Number.' At the bottom, there is a table header with columns: 'Company', 'Activity', 'File Number', 'Start Date', and 'Expiry Date'.

# Other Activities

- Well Watch Program
- Participation in conferences and tradeshow
- Maintaining relationships with other regulators:
  - NWT Board Forum
  - Western Regulators Forum
  - Interstate Oil and Gas Compact Commission
  - Memoranda of Understanding
- Oil and gas regulatory capacity building





# Questions?

Contact us at:

**OROGO**

4th floor, Northwest Tower

867-767-9097

[orogo@gov.nt.ca](mailto:orogo@gov.nt.ca)

Follow us on Twitter: [@OROGO\\_NWT](https://twitter.com/OROGO_NWT)



# Saskatchewan's Institutional Control Program (ICP)



Ministry of Energy and Resources

[saskatchewan.ca](http://saskatchewan.ca)

**Saskatchewan!**

---

# What is the ICP?

- According to internationally accepted definitions, “Institutional Control” consists of those actions, mechanisms, and/or arrangements implemented in order to maintain control or knowledge of a waste management site
- A formal regulatory process that allows a proponent of a closed industrial site on Crown land to transfer the site responsibility back to the province when mining and milling activities have ended
- The Government of Saskatchewan’s successful administration of the ICP has been recognized both nationally and internationally and promotes sustainable mining in Saskatchewan

# Who benefits from the ICP?

- **Local area residents**
  - Instills confidence for proper closure and allows opportunities to regain access to reclaimed areas
- **Public**
  - Ensures long-term monitoring and maintenance of sites by placing the associated costs on the mining companies
- **Mining companies**
  - Relieves prior agreed upon environmental and financial commitments
  - Achieves an operational endpoint that can help facilitate new business decisions
- **Regulators**
  - Establishes environmental benchmarks to measure performance objectives

---

# Why do we need the ICP?

- Many of Saskatchewan mines and mills are on Crown land which is leased to mining companies
- Mines have a finite lifespan
- Helps to define the lifecycle of a mining operation
- Ensures that we do not duplicate past practices and improve on our regulatory processes

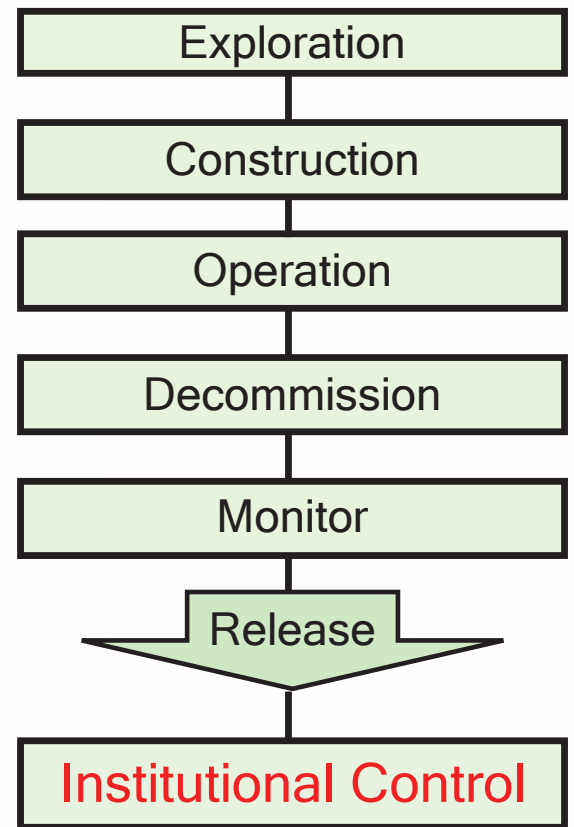
# Saskatchewan's ICP Process



[saskatchewan.ca](http://saskatchewan.ca)

**Saskatchewan!**

# The Life Cycle of a Mine



# Institutional Control Program

- Legislated in accordance with *The Reclaimed Industrial Sites Act and The Reclaimed Industrial Sites Regulations*
- The ICP purpose
  - Support the safe, environmentally-sound decommissioning of industrial sites
  - Ensure the ongoing monitoring and maintenance of reclaimed sites
  - Provide a funding mechanism to cover costs associated with the long-term monitoring and maintenance of reclaimed sites
  - Ensure that records and information on the reclaimed sites are preserved through the establishment of a registry

## *The Reclaimed Industrial Sites Act*

*being*

Chapter R-4.21 of The Statutes of Saskatchewan, 2006 (effective March 1, 2007), as amended by the Statutes of Saskatchewan, 2014, c.E-13.1, and 2018, c.32.

### **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.



# Institutional Control Program

- The ICP confirms
  - Protection of human health and safety
  - Care for the environment
  - Ensure future generations are not burdened with the long term costs of monitoring and maintenance
  - Recognize all jurisdictional regulatory obligations
- The ICP components
  - The Funds
  - The Registry

# Institutional Control Program Funds

- Established and protected by Legislation
- Proponents contributions based on site responsibility
- One fund for monitoring and maintenance costs
- One fund for the costs of future unforeseen events
- The funds are reviewed and monitored by a Fund Advisory Committee

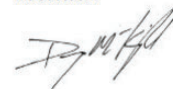
## Manager's Responsibility for Financial Statements



I have the honour of submitting the Annual Report for the Institutional Control Monitoring and Maintenance Fund and the Institutional Control Unforeseen Events Fund for the fiscal year ending March 31, 2020. As Acting Deputy Minister of Energy and Resources, I am responsible for the administration and management of these funds. The financial statements contained in this report were prepared in accordance with Canadian public sector accounting standards. The financial information presented elsewhere in the Annual Report is consistent with these financial statements.

To ensure the integrity and objectivity of the financial data, management maintains a comprehensive system of internal controls including written policies and procedures, and an organizational structure that segregates duties. These measures provide reasonable assurance that transactions are recorded and executed in compliance with legislation and required authority, that assets are properly safeguarded and that reliable financial records are maintained.

The financial statements have been audited by the Office of the Provincial Auditor. Its report to the Members of the Legislative Assembly, stating the scope of its examination and opinion on the financial statements, appears after the introduction.



Doug MacKnight  
A/Deputy Minister of Energy and Resources  
Regina, Saskatchewan  
July 31, 2020

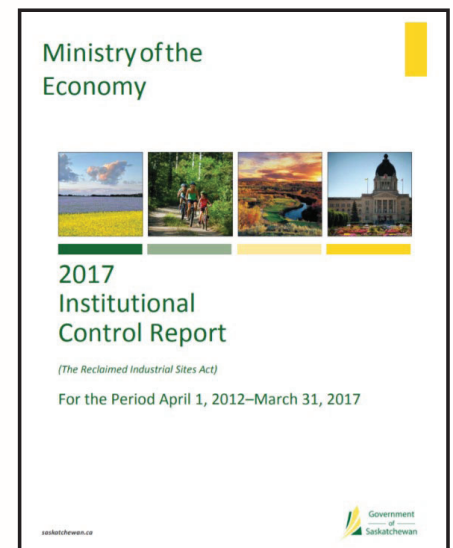
# Institutional Control Program Registry

- Establish a formal site record
- Define site specific requirements for acceptance
- Maintains site activities
- Provide public access to records
- Maintain fund records and financial assurances

IC REGISTRY	ICR # Date of Acceptance	ICR - 02 October 22, 2009
SITE DATA	Name Site Holder/Operator Original Operator	Beaverlodge - K260 Zone, EMAR 16 Claim Cameco Corporation (licensee) Canada Eldor Inc. (formerly Eldorado Nuclear Ltd.)
SITE LOCATION	Region NTS UTM-North UTM-East UTM Zone NAD	Uranium City 74-N-09 6609552 307798 12 1983
SITE DESCRIPTION	Commodity/Mineral Operational History Operation Description  Release Description	Uranium Beaverlodge:1952-1982 (K260 mined in 1978 &1979) K260 Zone (EMAR 16) open pit mining activity. Ore was mined in 1978 & 1979 and hauled to the mill. Decommissioned and reclaimed: Open pit backfilled with waste rock and covered with local till.
SITE PERMITS	Release from Decommissioning and Reclamation Operating Permit at time of Release Mineral Disposition Mineral Release/Crown Mineral Reserve Surface Lease Agreement Surface Lease Agreement at time of Release  CNSC Exemption (if applicable) CNSC License at time of exemption (if applicable)	IR-16 N/A N/A CR - 866 Surrendered by amendment  'Beaverlodge Surface Lease Agreement Regulations, 2006'. Surface Lease Property #'s: 200076 (K260) K260 Zone: MSL 256 - Exempted March 14, 2009  WFOL-W5-2120.01/2007
SITE CONTROLS	Land Use Restrictions  Monitoring/Inspection Results	MUP #603100 - no development without application/approval - casual access permitted Inspection in 2014 indicated site is safe, stable and secure with no public safety or environmental concerns. Gamma levels generally as measured previously. Next

# Institutional Control Program Acceptance

- Application of industrial site for acceptance
- Proponent submits a satisfactory monitoring and maintenance plan and satisfies all financial requirements
- Issuance of a Release from Decommission and Reclamation Requirements
- Surrender or Partial Surrender from the Surface Lease
- In the case of a nuclear waste or storage site, a license exemption from the Canadian Nuclear Safety Commission
- Administrative controls to monitor future land use
- Formal acceptance of site recorded in the Registry



# Institutional Control Program Management

- Publish an annual report describing the business of the funds along with financial statements
- Prepare an Institutional Control Report every five years to be laid before the legislative assembly
- Review the program legislation every five years
- Administer the monitoring and maintenance schedule and report inspection outcomes
- Publish and update the Registry report as new sites enter the ICP

---

# Institutional Control Program Summary

- **Administered by the Ministry of Energy and Resources**
- **Accepts mining and milling sites that are located on Crown lands**
- **Ensures sites are monitored and maintained into the future**
- **Allows opportunity to regain access to former industrial sites**
- **Establishes an endpoint for mining company activities**
- **Improves regulatory process and learns from historical practices**

# Institutional Control Program

## Current Uptake

- 24 Beaverlodge area uranium mine sites
- 1 gold mine
- 1 silica sand operation



# Institutional Control Program Information



EN Language

What are you looking for?

Residents and Visitors

Business and Industry

Government

Home > Business and Industry > Agriculture, Natural Resources and Industry > Mineral Exploration and Mining > Institutional Control Program

## Institutional Control Program

In 2005, Saskatchewan began development of an institutional control framework for the long-term management of decommissioned mine and mill sites on provincial Crown lands. The framework established a formal regulatory process for the long-term monitoring and maintenance of industrial sites when mining or milling activities have ended, remediation has been completed, and the sites are ready to be transferred to provincial responsibility. The process is designed to:

- ensure the health, safety and well-being of future generations;
- protect the environment;
- provide closure for the mining industry; and
- meet national and international standards and requirements.

In 2007, the Institutional Control Program (ICP) was established pursuant to *The Reclaimed Industrial Sites Act* and *The Reclaimed Industrial Sites Regulations*. The ICP's purpose is to:

- support the safe, environmentally-sound decommissioning of mining and mill sites;
- ensure the ongoing monitoring and maintenance of reclaimed sites;
- provide a funding mechanism to cover costs associated with long-term monitoring and maintenance of reclaimed sites; and
- ensure that records and information on the reclaimed sites are preserved through the establishment of a registry.

The two primary components of the ICP are:

- the [Institutional Control Registry](#), which will maintain a formal record of closed sites, manage the funding and perform any required monitoring and maintenance work; and
- the [Institutional Control Funds](#):
  1. the Monitoring and Maintenance Fund: to pay for long-term monitoring and maintenance of a reclaimed site after it is accepted into the ICP; and,
  2. the Unforeseen Events Fund: to pay for any unforeseen future events that are not covered by the Monitoring and Maintenance Fund

The [Institutional Control Program: Post Closure Management of Decommissioned Mine/Mill Properties Located on Crown Land in Saskatchewan](#) discussion paper outlines the operation of the Institutional Control Registry and the requirements for a company to enter a site into the registry.

### Publications

Find reports and supporting information related to the sites accepted into the ICP.

## Institutional Control Program

The Institutional Control Program (ICP) implements the process for the long-term management of decommissioned mine and mill sites on Crown land after an owner/operator has ended activities, completed decommissioning and reclamation and submits an application to transfer the remediated site into provincial custody.

Couldn't find what you were looking for?

Search the Publications Centre

## Categories

[Monitoring and Maintenance Inspection Reports](#) >

[Monitoring and Maintenance Fund and Unforeseen Events Fund Annual Report](#) >

[Institutional Control Five-Year Report](#) >

[Industrial Site Closure Reports](#) >

## Documents

### [Institutional Control Registry Report - 2012](#)

The Institutional Control Registry Report provides detailed closed site information. The report is updated as new sites are entered and accepted in the Registry, or as site status changes.

### [Institutional Control Program: Post Closure Management of Decommissioned Mine/Mill Properties Located on Crown Land in Saskatchewan](#)

December 2018 - This Institutional Control Program discussion paper outlines how the program operates and the requirements for a company to transfer a remediated site into provincial custody and enter the site into the Institutional Control Registry.

## Contact Us

### Energy and Resources

Phone 306-787-2528

URL <http://www.economy.gov.sk.ca/>

### Mailing Address

Energy and Resources  
1000, 2103 - 11th Avenue  
Regina SK  
S4P 3Z8

For more information go to [www.saskatchewan.ca](http://www.saskatchewan.ca) or email Dustin Zmetana @ [dustin.zmetana@gov.sk.ca](mailto:dustin.zmetana@gov.sk.ca)

saskatchewan.ca





[saskatchewan.ca](http://saskatchewan.ca)

---