



2020 Northwest Territories Environmental Audit

Plain Language Summary



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PLAIN LANGUAGE SUMMARY

DATE OF SUBMISSION:

February 26, 2020

SUBMITTED TO:

NWT Environmental Audit Secretariat
Environmental Stewardship and Climate Change Division
Environment and Natural Resources
Government of the Northwest Territories

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INTRODUCTION

What is the NWT Environmental Audit?

The NWT Environmental Audit (the Audit) checks to see how well efforts are working to protect the environment in the Northwest Territories (NWT). If the Audit finds something that is not working as well as it could, it can recommend action to make things better.

The Audit is a requirement of the Sahtu, Gwich'in and Tłı̨chǫ land claim agreements and the *Mackenzie Valley Resource Management Act* (MVRMA). The Audit is done every five years. Previous audits were done in 2005, 2010, and 2015.

Who wrote the 2020 NWT Environmental Audit?

The Audit was completed by independent consultants contracted by the Government of the Northwest Territories (GNWT). We, the Auditors, were selected and guided by a committee of Indigenous, federal and territorial government representatives. Our detailed Audit Report, called the Technical Report, can be found online at: <https://www.enr.gov.nt.ca/en/services/2020-nwt-environmental-audit>. This Plain Language Summary presents the highlights of the Technical Report.

What did the 2020 Audit look at?

In the MVRMA there is a detailed list of what subjects the Audit must look at every five years. In this summary of the 2020 Audit, those subjects are presented in two parts:

1. Managing the use of land and water

In this part we talk about the tools used in the Mackenzie Valley to manage the use of the land and water by people and industry to make sure all parts of the environment are protected.

2. Collection and use of environmental monitoring information

In this part we talk about the different ways environmental information is being collected and used by communities, government, researchers and industry to manage the use of land and water.

For each subject area, we looked to see if anything had changed or improved since the last Audit Report in 2015. We also looked to see if there were any new problems since 2015. If we felt that improvements could be made in either subject area, we made recommendations for new actions. Our recommendations were made to governments and the boards created by the MVRMA.

How was the Audit done?

To get a good understanding of everything that happened between 2015 and 2020, we looked for evidence from many sources including:



Surveys and
interviews



Reports,
policies, laws,
data, websites



Public
surveys



Open houses in Behchoko, Fort
Simpson, Fort Smith, Hay River,
Inuvik, Norman Wells and Yellowknife

Our report presents the successes and challenges of the past five years and gives recommendations for improvement.

Part 1: MANAGING THE USE OF LAND AND WATER

The land and water of the NWT are used by all residents in many ways – including, for example, hunting, fishing, drinking water, wood, travel, building communities, and practicing cultural traditions. Companies may also want to use water and land to, for example, harvest trees, mine for precious metals and diamonds, or take out the oil and gas from underground.

To make sure the environment is protected no matter what the use, management decisions must be made about things like where these activities can take place or what rules people and companies need to follow when they use the land and water. In the NWT, these decisions are guided by federal and territorial laws, including the MVRMA, land claim agreements, and government policies.

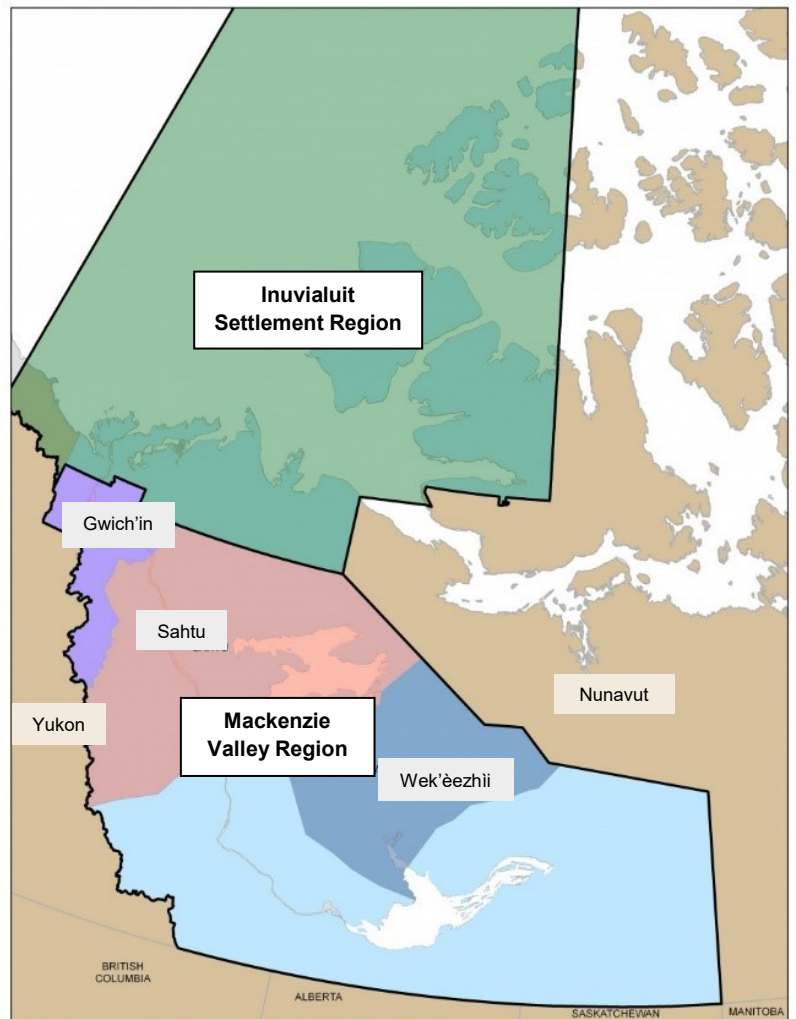
A major change that happened since the last Audit was the implementation of devolution. Devolution moved the responsibility for public land, water and resources from the federal government to the GNWT. Over the past few years, the GNWT has worked with Indigenous governments to make new laws or change existing laws related to land, water and resource management.

For this part of the Audit, we looked to see:

- if the land and water management system had all the tools and rules it needed to make good decisions about the territories' natural resources;
- if the decisions being made protected all parts of the environment; and,
- if people or groups who are affected by land and water decisions can fully participate in decision-making processes.

Since the Audit is required only under the MVRMA, this part of the Audit only looked at land and water management in the Mackenzie Valley and not in the Inuvialuit Settlement Region.

We found that, overall, the system for managing land and water use in the NWT is working. We didn't see any big or new problems since the last Audit in 2015. But there are still improvements to be made in the areas of community well-being, land use planning, finalizing land claims and engaging communities.



Map of the NWT showing the Mackenzie Valley Region and Inuvialuit Settlement Region



Does the co-management system have all the tools it needs to make good decisions about land and water?

The MVRMA is based on the idea of co-management – meaning that federal, territorial and Indigenous governments are meant to work together to make decisions. The co-management system is meant to work best when all Indigenous governments have settled land claims so that rights to ownership and use of land and resources are clear.

Regional land use plans, which describe how different areas of land can be used, are also very important to decision-making under the co-management system. Ideally, all areas of the Mackenzie Valley should have settled land claim agreements and approved land use plans.

The MVRMA is not the only law that is used to make decisions about land and water in the NWT. There are also federal and territorial laws and policies that work together with the MVRMA to guide decisions made on the use of land and water or on the protection of different parts of the environment (for example water, wildlife, air). We looked at whether there were rules in place (like laws or policies) to manage and protect all parts of the environment.

Below is a summary of what we found and recommendations on this topic; full details can be found in sections 1.1, 1.5 and 1.6 of the 2020 Audit Technical Report.



Work that is on track

- The GNWT has worked with Indigenous governments to update or create post-devolution legislation
- There are currently enough tools in place to control transboundary problems caused by industry



Work in progress

- The federal and territorial governments are still trying to fill gaps in the land and water management system that were noted in 2015
- Land use plans are not finished yet in regions without settled land claims
- Systems for managing land and water are starting to be developed in areas without settled land claims



Needs improvement

- Devolution has not made the NWT co-management process clearer
- Existing land use plans are not being reviewed and updated regularly
- Several areas of the NWT still do not have settled land claim agreements

Based on what we found, we have made recommendations that we believe will result in:

- Governments, boards, and industry meeting regularly and working together to improve the co-management system.
- Governments making sure that there is funding in place to 1) implement and update existing land use plans, and 2) create land use plans in regions without settled land claims.



Are all parts of the environment being protected?

The MVRMA makes it clear that the environment is not just about land, water, air, and wildlife, but also the cultural, social and

economic well-being of NWT residents. Industrial developments, like mining projects, can affect all these parts of the environment. For example, many mines release wastewater to the environment that, at least temporarily, changes the water quality in a lake or river. But this same mine may also provide jobs or money in communities. Because of this, a decision to go ahead with a mine or other type of development must consider all the possible environmental effects, both good ones and potentially bad ones.

In the Mackenzie Valley, there are co-management boards whose job it is to carefully consider the environmental effects of proposed developments and make decisions about whether the projects can go ahead or not. If a project can go ahead, the boards will set out rules in a licence or permit that the project must follow. We looked to see if the processes for making decisions were protecting all parts of the environment. We also looked at how well the boards and government inspectors were doing at making sure project rules were followed.

Below is a summary of what we found and recommendations on this topic; full details can be found in sections 1.2, 1.3 and 1.8 of the 2020 Audit Technical Report.



Work that is on track

- The process in place to make decisions on industrial developments does a good job of protecting the land and water
- The boards and inspectors are making sure industry follows the rules set out in permits and licences



Work in progress

- There has been progress on making sure traditional knowledge (TK) is collected and used properly in decisions, but more work is needed
- The system for making sure that development projects follow the rules given to them in licences and permits is working, but improvements are still needed



Needs improvement

- Problems with community well-being are not always being addressed properly in decisions
- The process for mineral exploration is unclear and uncertain for industry
- Mixed messages and the current approach from government and boards may be hurting the mining industry
- Social and economic trends need to be better monitored and the results acted on

Based on what we found, we have made recommendations that we believe will result in:

- Organizations that already monitor community well-being will work together better so that they can help the co-management boards to improve their decisions.
- Continued improvements in how TK is understood and used in decisions on land and water.
- Governments, boards and industry working together on a shared approach to responsible mineral development in the NWT.
- Better monitoring of how healthy the NWT economy is and making sure that information is used to improve conditions.
- Co-management boards working with industry to make the permitting/licensing process clearer and more certain, especially for mineral exploration.
- Continued improvement of the system for making sure permit/licence holders follow the rules.



Can everyone participate in decision-making?

It is important for people to be able to get involved in decision-making processes about the use of land and water. For example, co-management boards can only make good decisions if they fully understand and consider all the ways that a project could affect communities or individuals. Decisions will also be better if everyone has shared their knowledge and wisdom.

Over the years, boards and government have gotten better at finding ways for people to get involved if they want to. While the duty to consult Indigenous people is required by the Constitution of Canada, boards also have guidelines that describe how and when people should be engaged.

In this part of the Audit, we looked to see if people had enough opportunities to participate. We also looked to see if people were able to take advantage of those opportunities. For example, to participate in the decision-making process for a proposed project, people need to first hear about what is happening and then be able to find information about it. Next, it takes time and money for communities to fully understand a proposed project before they can have an opinion about it and then participate in different regulatory processes.

Below is a summary of what we found and recommendations on this topic; full details can be found in sections 1.4 and 1.7 of the 2020 Audit Technical Report.



Work that is on track

- The boards continue to try new ways to engage the public and make it easier for people to participate in decision-making processes
- Co-management boards continue to improve the ways that they share information with the public



Work in progress

- There is a program that makes money available for communities to be involved in decision-making processes, but improvements are needed
- The boards generally have what they need to run their processes (funding, enough board members), but there are still some problems that need to be fixed



Needs improvement

- There is money available for people and groups to participate in the environmental assessment of projects, but not for the permitting/licensing of projects
- Government and the boards may be relying too much on industry when it comes to community engagement

Based on what we found, we have made recommendations that we believe will result in:

- Continued improvements in the ways that the public can be involved in decisions about land and water management.
- The federal and territorial governments being clearer about how they engage the public and consult with Indigenous people.
- Indigenous communities and the general public having a better ability to be involved in decision-making processes.

Part 2: COLLECTION AND USE OF ENVIRONMENTAL MONITORING INFORMATION

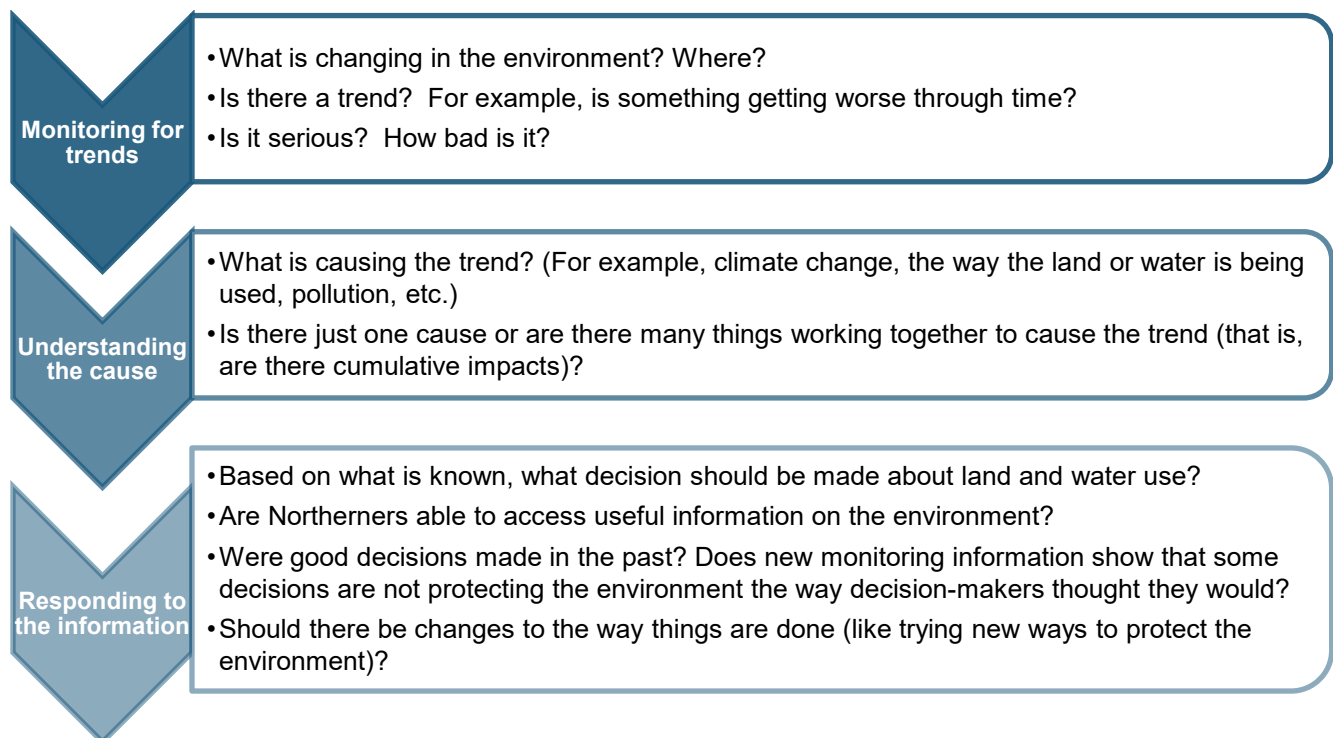
The protection of land, water, wildlife and way of life is very important to Northerners. Many of the people we spoke to told us about the changes they have been seeing in the environment over the years. For example, people spoke about how water levels in some rivers and lakes have been going down, making swimming and boating more difficult. Others spoke about how they no longer find berries or good wood in areas where they have been going for years. Everyone is worried about how few caribou there are now.

To make sure that the ways in which people and industry use the land and water are not harming the environment, decision-makers need monitoring information. For this part of the Audit:

- We looked to see if there was a system in place to monitor for trends, understand the cause of those trends, and to respond to monitoring information (see figure below).
- We took a closer look at the way water is monitored across to the NWT to see if there were trends, if any of those trends were bad, and whether NWT residents were able to find available information on water.

Monitoring is a way of keeping track of environmental changes over time using methods like traditional knowledge or science. Monitoring can also be used to find out why those changes are happening.

In these ways, monitoring information is useful for making decisions on land and water use in the present and for seeing if decisions made in the past were good. For example, monitoring the effects of a development project might show that the environment in the area is changing more than anyone thought it would. In that case, decision-makers can improve the way the project needs to protect the environment or decide not to allow any further development in that area.





Is there a good system in place to monitor the environment and use the information in decision-making?

Since devolution, the GNWT has had the job of bringing together as much monitoring information

as possible to answer the question: How is the environment being affected or impacted by all the ways the land and water are used?

Since the NWT is such a big area, it is not possible for the GNWT to do all the environmental monitoring needed to answer that question. Instead, the GNWT relies on monitoring done in the NWT by many different groups including other government departments, industry, researchers, and communities. Together, these groups are collecting a lot of information about all parts of the environment including water, fish, wildlife, plants, permafrost, and people's well-being.

Ideally, all that monitoring information could be stitched together to give a picture of environmental health across the territory. But, in fact, it is hard and

sometimes impossible to bring information together if groups monitor different things using different methods. For this reason, we looked to see if the GNWT had a system for making sure that any monitoring done in the NWT could come together to help find and explain environmental trends.

We also looked to see how monitoring information was being analyzed and if it was helpful for governments and co-management boards when they are making decisions on the use of land and water. Finally, we looked for evidence that there was a system for responding to monitoring results by, for example, changing the way land and water resources, including wildlife, are managed.

Below is a summary of what we found and recommendations on this topic; full details can be found in Parts 3 and 4 of the 2020 Audit Technical Report.



Work that is on track

- The NWT Cumulative Impact Monitoring Program continues to improve the ways they support monitoring
- Many groups, including GNWT departments, are trying hard to collect environmental monitoring information using best methods



Work in progress

- Co-management boards are requiring monitoring and using the information in their decisions, but improvements are needed
- There are some standards in place for monitoring, but not everyone is using the same methods
- The GNWT is sharing what they know with boards and other groups, but they need to do more



Needs improvement

- There is no way to make sure all the different monitoring done in the NWT can help decision-makers, including the GNWT, to understand how land and water use decisions are affecting the environment
- There are no rules about what should happen when monitoring shows bad trends in the environment

Based on what we found, we have made recommendations that we believe will result in:

- The GNWT coming up with a common set of rules to guide monitoring in the NWT so that results from different monitoring programs can come together and improve land and water use decisions.
- The GNWT responding to the detection of environmental trends by determining the cause or causes of the trend and then deciding if additional environmental protection is needed.
- Co-management boards being clearer on what monitoring information they need.



A closer look at water trends in the NWT

The MVRMA requires Auditors to look at the trends in the environment every five years to see what is happening and whether there is a cause for concern.

As part of the 2020 Audit, we were asked to take a closer look at water trends in 13 watersheds of the NWT, including the South Nahanni, Central Mackenzie - Ramparts, Great Slave Lake – North Arm, Great Slave Lake – Christie Bay, Peel, Hay, Slave, Coppermine, Marian, Lockhart, Great Bear Lake, Western Mackenzie Delta and Eastern Mackenzie Delta.

To help with our work, we were given reports that summarized all the known water monitoring

programs and results in those 13 watersheds. We looked to see:

- if there was enough monitoring data to know if there were any water trends,
- if there was any reason to be concerned with any of the trends that were found,
- if water monitoring speaks to the concerns of residents, and
- if NWT residents are able to find and understand the results of water monitoring.

Below is a summary of what we found and recommendations on this topic; full details can be found in Part 2 of the 2020 Audit Technical Report.



Work that is on track

- While there are trends in water quality for all the watersheds we looked at, none of the results are a cause of concern for the environment
- The GNWT's Community Based Monitoring Program is a good model for collecting water data that is high quality, long-term and that addresses public concerns



Work in progress

- For some rivers, there are very good examples of water monitoring programs, but there is not enough data for five of the 13 watersheds we looked at
- The GNWT is trying to share water monitoring information with residents, but people feel that the information is hard to find
- Not all of the water concerns of NWT residents are being addressed by monitoring

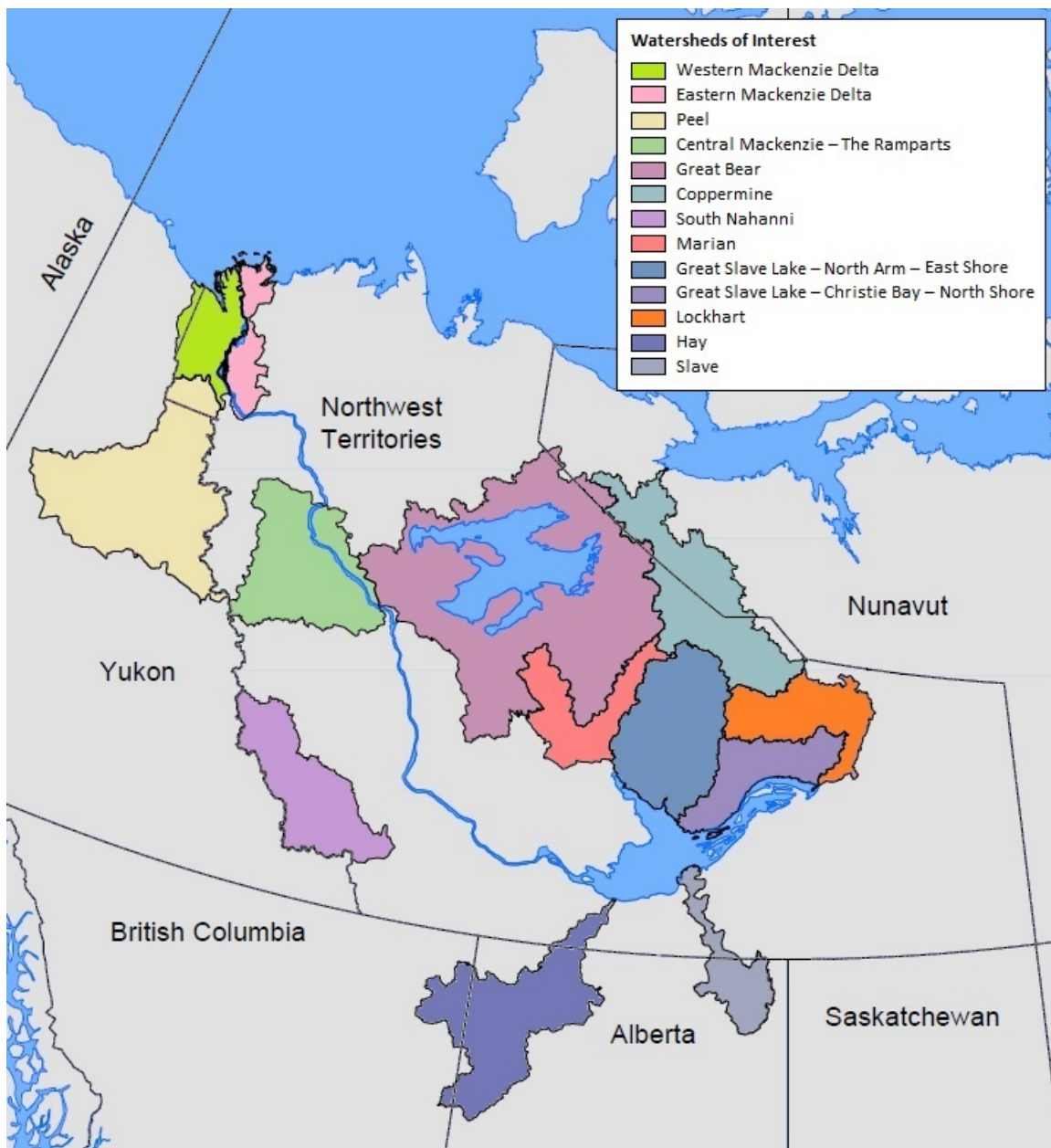


Needs improvement

- There was no TK-based information on water for us to look at
- There is a lot of water monitoring information being collected by industry, researchers, and communities that cannot be used to help the GNWT understand water trends in the NWT because different monitoring methods are being used
- There are no long-term monitoring stations on lakes

Based on what we found, we have made recommendations that we believe will result in:

- TK-based information being available and used respectfully to understand trends in water.
- The GNWT ensuring that there is a network of water monitoring stations to address residents' concerns and to describe what is happening in both rivers and lakes across the NWT.
- The development of a way to collect and analyze water monitoring information so that data from industry, government, researchers and communities can be brought together to understand trends better.
- NWT residents knowing how to find information about water monitoring results.



The areas highlighted with colour on this map of the NWT show the watersheds where water trends were reviewed by the Auditors

Would you like more information on the 2020 NWT Environmental Audit?

If so, please look for all the details of the Audit in the 2020 NWT Environmental Audit – Technical Report. The Technical Report has the following sections:

- Executive Summary
- Introduction
- Part 1: Effectiveness of Regulatory Regimes
- Part 2: Evaluation of Environmental Trends in Water Quality and Quantity
- Part 3: Role of the Responsible Authority in Coordinating Data Collection and Analysis for Environmental Trend and/or Cumulative Impact Monitoring
- Part 4: Effectiveness of Cumulative Impact Monitoring in the NWT
- Part 5: Adequacy of Responses of Parties to the Previous Audit
- Appendix A: Public Engagement Results
- Appendix B: Case Studies
- Appendix C: Detailed Findings for Environmental Trends in Water Quality and Quantity

Responses to our recommendations, from governments or boards for example, can also be found in the Technical Report.

The 2020 NWT Environmental Audit – Technical Report can be found at <https://www.enr.gov.nt.ca/en/services/2020-nwt-environmental-audit>.