

Alternatives North
Annual Activities Report
2021-22 Annual General Meeting
26 October 2022

Introduction

Summaries of the various major activities that Alternatives North has been involved in during the 2021-22 fiscal year are contained in this report, including:

1. Giant Mine Remediation Work (Author – Katharine Thomas)
2. Downtown Yellowknife Biomass District Heating Study (Author – Lachlan MacLean)
3. GNWT Post-Devolution Resource Management Legislation Review (Author – Karen LeGresley)
4. Living Wage (Author – Suzette Montreuil)
5. Basic Income Guarantee (Author – Suzette Montreuil)

Giant Mine Remediation

Alternatives North is one of six signatories to the Environmental Agreement of 2015 and is the only participant that is not a public or Indigenous government. The other parties are the Yellowknives Dene First Nation, City of Yellowknife, North Slave Métis Alliance, Government of the Northwest Territories, and Government of Canada.

AN continues to contract Michael Nabert and Katharine Thomas to work on this project, with oversight from Gordon Hamre. AN's participation in the Giant Mine Remediation Project (GMRP) is funded through a contribution agreement with the federal government, which allows us to engage in processes and activities related to the Project. We are grateful for the financial support.

AN continues to participate fully in engagement meetings for various groups, bodies, and task forces. More specifics related to the work undertaken in fiscal year 2021-22 follow.

Working Group - Working Group meetings take place monthly, participation includes all signatories to the Environmental Agreement, plus representatives from various organizations involved in the remediation of Giant Mine. Meetings feature updates on the Giant Mine Site, remediation, and engagement activities. These meetings provide us with opportunities to raise questions and make recommendations on project activities.

Giant Mine Oversight Board (GMOB) – Each signatory to the Environmental Agreement appoints an individual to serve on the board. AN's appointee is David Livingstone. David is currently serving as the chair of GMOB.

Regulatory Review – The bulk of our regulatory work this past year has been to review and provide comments on the Plans, Design Plans, and Management and Monitoring Plans (MMPs) associated with approval of the water licence. These include: Non-Hazardous Waste Landfill Design Plan, Engagement Plan, Waste MMP, Erosion and Sediment MMP, and others.

Socio-Economic Advisory Body – A focus of meetings this year has been for the GMRP to work with partners (e.g., ITI) to ensure that the local population is trained and ready to take on work opportunities when they arrive, in order to maximize the northern and Indigenous workforce employed in remediation activities. The peak of employment for the remediation project is expected to be in 2031 at roughly 230 full-time, seasonal employees.

Hoèla weteèts’eèdeè: Understanding Community Well-being Around Giant Mine (HW Study) – In June, the Yellowknives Dene First Nation, who were co-leads on the HW Study, officially withdrew their support for the study. The HW Study existed to meet Measure 10 of the 2013 Environmental Assessment, to “evaluate indirect effects of potential exposures to arsenic on wellness, including stress effects”. At this time, it is not clear what the plan is for the GMRP to fulfill this requirement.

Perpetual Care Plan Task Force – Current work involves developing a Statement of Work for the development of a first draft Perpetual Care Plan.

Aquatics Advisory Committee (AAC) – The purpose of this committee is to review and discuss specific remediation activities related to Baker Creek and Yellowknife Bay, including topics such as water treatment at Site, fish habitat, and the cover of foreshore and nearshore tailings. Discussions over the past year have looked at the re-alignment of Baker Creek, revegetation of remediated areas, and selection of a reference area. The GMRP is currently working on a *Fisheries Act* Authorization application.

Giant Mine Curriculum Piece – A committee was formed in late 2021 with the purpose of developing a curriculum piece for NWT students to learn about Giant Mine. GMOB is leading this effort and has contracted Wendy Stephenson as an educational consultant to work on this project. The group met once in February, 2022, and has had difficulty coming together to meet since.

Health Effects Monitoring Program – AN does not participate in the Advisory Committee for this health study. The next phase of sampling is scheduled for April-June of 2023. This phase will focus on children and youth, aged 3-19. Community meetings to discuss the upcoming sampling and results of the 2017-18 sampling will take place in November 2022.

Downtown Yellowknife Biomass District Heating Study

Alternatives North secured funding in 2021 to assess the economic feasibility of a District Heating system for Yellowknife’s downtown core, fueled by Wood Pellets. The study will assess the economics under both a for-profit, and non-profit, ownership model to help understand the potential GHG impacts and barriers to construction. The final report will be released publicly to help educate the public and draw attention to the potential of this project.

To complete the project AN partnered with the City of Yellowknife and Arctic Energy Alliance to engage local capacity holders and utilize prior studies to ensure the results have a high level of confidence, and can be used to attract potential developers.

The project is on track to release the report in late fall of 2022.

GNWT Post-Devolution Resource Management Legislation Review

Background

We continue to follow-up on regulations and legislation related to resource management in the post-devolution environment. During the last Assembly (2015-19), AN participated in the development and review of several resource management bills put forward by GNWT as part of its efforts to finally review the federal regime the Territories inherited. They were:

Protected Areas Act (passed August 2019)

Forest Act (introduced into Assembly, but withdrawn following Committee meetings)

Environmental Rights Act (passed August 2019)

Waters Act (not introduced)

Environmental Protection Act (not introduced)

Mineral Resources Act (passed August 2019, but not in force)

Petroleum Resources Act (passed August 2019)

Oil and Gas Operation Act (passed August 2019)

Public Land Act (passed August 2019, but not in force)

Indigenous Government Organizations are invited to be part of co-drafting all resource management legislation and regulations before they are introduced to the Assembly. This is through a Legislative Development Protocol developed and adopted in December 2020 by the Intergovernmental Council (IGC) and GNWT, following from the devolution agreement. Not only is this a new process, but the protocol is the first agreement of its kind in Canada. Hence, there have been many delays in legislation and regulations development. Though earlier this year there was hope that the revised *Forest Act* would be available for public review, this has not yet happened, and no definitive timeline is known.

Funding was provided by MakeWay Foundation through Ecology North for many aspects of these reviews of resource management legislation and regulations.

Public Land Act

The *Public Land Act* is not in force until regulations have been updated. Public engagement for the regulations on the *Public Land Act* began in December 2020. As part of that, AN wrote the Department of Lands last fiscal year with questions, and received a reply late May 2021. Among other items, Lands described the GNWT approach to securities. They noted that the GNWT uses the RECLAIM Model for estimating reclamation costs for larger projects. Further information:

[RECLAIM 7.0 – Mining \(.xism\)](#)

[RECLAIM 7.0 User Manual – Mining Version](#)

[RECLAIM 7.0 – Oil and Gas \(.xism\)](#)

[RECLAIM 7.0 User Manual – Oil and Gas Version](#)

For smaller projects, security is usually calculated using the Land and Water Board Land Use Permit Application Security Estimator, which is currently being updated (a public review was conducted in fall 2020), and a similar tool set out in the *Commissioner’s Land Act* application form. GNWT uses actual costs to inform the estimation of restoration securities if available; if not, they use costs for comparable activities in the NWT.

Lands noted that many projects that require leases also require land use permits and/or water licences. The Land and Water Boards set reclamation security amounts, using RECLAIM or the land use permit estimator described above. (In the Inuvialuit Settlement Region, the role is split between the Inuvialuit Water Board and the Department of Lands).

Financial security is not mandatory (except for commercial and industrial surface leases issued (i.e., under the current *Commissioner’s Land Act* and to be under the *Public Land Act*) which is why the regulations will be very important to get right. The form of financial security is another issue that must be addressed. GNWT Ministers now have total discretion over the form of financial security. In the past, federal Ministers accepted promissory notes with no legal or financial backing, and other so-called assets (e.g., the Mactung exploration property and Bluefish Hydro).

Once regulations are through the Intergovernmental Council process, the regulations will go to a Technical Advisory Panel. We lined up a representative for the Technical Advisory Panel, Emerald Murphy, lawyer (formerly with the GNWT). Representatives from Alternatives North, Ecology North, Ducks Unlimited, Nature United, and private citizen met remotely with Emerald in November, 2021.

The group went through the list from the Department of Lands on their proposed Phase 1 Regulations:

Working title	Description
Public Land Regulations	General authorities and limits to the Minister’s authorities
Public Land Security and Restoration Regulations	Detailed rules on mandatory securities, including forms and amounts
Public Land Use Regulations	Detailed rules for issuing land use permits on public land in the Inuvialuit Settlement Region
Public Land Development Controls Regulations	Detailed rules to control development, including building requirements/restrictions and setbacks
Public Land Administration Regulations	Detailed rules for granting (selling) public land and issuing dispositions – forms, types, pricing, application requirements, terms & conditions; Thresholds for when a disposition is required (bare licence concept)

Public Land Quarry Regulations

Detailed rules for the administration and management of quarries and aggregate materials

Emerald suggested we concentrate efforts on the Public Land Administration Regulations, with the goal of getting information that allows the public to understand a project and assess risks. Application forms can/should be part of the regulations; we need to push for different ones for different land uses/risks. Suggestions include:

- insist that forms be included in the regulations, not at the discretion of a public officer
- develop good application forms and application processes to help improve timelines; this is a benefit to everyone (our suggestions should be seen as helping the land application process, not tying it up in red tape)
- regional, not just site aspects of risks should be subject to assessment, so need to be addressed somehow in application form

This will ideally develop a process that is a dialogue between the proponent and interested parties with the government (as regulator) in the middle. A way for the public to be involved is pushing for a public registry where appropriate, useful information is disclosed and stored.

Alternatives North remains very interested in the Public Land Security and Restoration Regulations.

No date has yet been set for when the Technical Advisory Panel will meet.

[Mineral Resources Act](#)

The *Mineral Resources Act* is also not in force until regulations have been updated. The IGC is developing several sets of regulations; namely:

- General (dealing with tenure, land acquisition, map staking, etc.)
- Royalty
- NWT Benefits (for NWT residents)
- Benefit Agreements (for Indigenous Organizations)
- Mineral Rights Review Board
- Regulations on Coal and Dredging are also expected, but not under this first set of regulations.

AN had a presentation by the Department of Industry, Tourism and Investment (ITI) on the Royalty Regulations in November 2020, and then again in May 2022. The report on the later presentation, our subsequent submission, and our public mailout on royalties, will be reported in fiscal year 2022-23 report.

In April, 2022, ITI began their public consultations on the remaining regulations with a presentation (open to the public) to the Standing Committee on Economic Development and the Environment. Our role will be reported in the fiscal year 2022-23 report.

[Environmental Rights Act](#)

The *Environmental Rights Act* is part of a suite of legislation to protect the environment. The Act recognizes the right to protect the integrity, biological diversity and productivity of the ecosystems in

the NWT, and to provide NWT residents with some of the tools and processes needed to ensure these rights are protected by the GNWT.

As required under the Act, the Department of Environment and Natural Resources put out a draft Statement of Environmental Values (SEV) for public consideration. The values are meant to guide departments in their planning and decision-making that could impact the environment. Alternatives North joined with Ecology North to solicit an opinion on the draft SEV from Professor Heather McLeod-Kilmurray, University of Ottawa Faculty of Law, Centre for Environmental Law & Global Sustainability. Dr. McLeod-Kilmurray helped prepare comments on the draft SEV, offering 25 recommendations [<https://anotheralt.files.wordpress.com/2022/02/alternatives-north-and-ecology-north-comments-on-the-draft-northwest-territories-statement-of-environmental-values-1.pdf>]

Some comments were very simple, such as ensuring that the wording in the SEV be consistent with the Act (in some places the draft attempted to water down wording in the Act). Other recommendations were substantive. On a positive note, the SEV has a more comprehensive list of key principles of environmental law than comparable SEVs (e.g., includes the principles of ecological sustainability, intergenerational equity, environmental justice, sustainable development, and a commitment to UNDRIP). However, the main weakness of the draft SEV was that it did not reflect the dire situation we are in with the triple crises of climate change, biodiversity loss, and waste and pollution. Although enforcing the idea that human beings should have a right to a healthy and intact environment, there was (and is) no real acknowledgement of how deeply connected we are to the non-human plant and species of the NWT, and how together with them we are intimately connected to all life and life processes on Earth. This gave a very “status quo/business-as-usual” feeling to the provisions of the SEV, as if not a lot is really going to change as a result of the enactment of the NWT ERA and its SEV. We had several recommendations on that, including ways to make sure the principles of the SEV were actually used and integrated into GNWT actions, decisions, recommendations and submissions to Boards (such as the Mackenzie Valley Boards).

Unfortunately, most of our recommendations around the actual implementation, use and public reporting on the SEV by GNWT were rejected. The “what we heard” report on public engagement is found here: https://www.ntassembly.ca/sites/assembly/files/td_671-192.pdf

The final SEV is here: https://www.ntassembly.ca/sites/assembly/files/td_670-192.pdf

[Responsible Legislation Website](#)

Various non-government organizations, including Ecology North, Nature United, and Alternatives North, have been collaborating on a ‘responsibilelegislationnwt.ca’ website. The site is to track NWT and federal environmental and land/resource development legislation that is new or being revised. It is meant as a public tool to provide an accessible way for NWT residents and others to understand and input into the legislation and related regulations or policy.

Work on developing and populating the website is ongoing. We thank the individuals, as well as the organizations, that have assisted in reviewing the background material.

Living Wage and Comparative Analysis for Small Communities

Alternatives North organized the release of the Living Wage during a noon hour public session in November, 2022. The Living Wage was calculated as the following:

Yellowknife - \$23.28

- Fort Smith – \$18.07
- Hay River - \$21.55
- Inuvik - \$22.59

In addition, we produced a Comparative Analysis for Small Communities in the NWT. This report compared the cost of living by using information from the 2022 Living Wage Report and community-specific living cost differentials to arrive at comparative estimates of the employment wage rates that allow Couple Families to meet their expenses in smaller NWT communities. It reported the following data:

- Beaufort Delta communities have the highest wage estimates ranging from \$21.92 for Tuktoyaktuk to \$24.90 in Sachs Harbour.
- Sahtu communities have the next highest rates ranging from \$21.72 for Norman Wells to \$22.82 in Fort Good Hope.
- The Tłı̄chǫ, South Slave, and Dehcho communities all have wage estimates below \$21.

Anti-Poverty Fund Application

Alternatives North decided to apply to the Anti-Poverty fund a feasibility study on a Basic Income Guarantee feasibility study. We were successful in obtaining the funding requested and we will look for researchers to complete the work.