



The Department of Environment and Natural Resources (ENR) is considering a government action involving Wildlife Act “Phase 2” related regulatory amendments to regulations under the Northwest Territories (NWT) *Wildlife Act*, and prepared draft Wildlife Management and Monitoring Plan (WMMP) process and guideline requirements. *[Note: There is a separate presentation on the draft Phase 2 regulation amendments.]*

ENR is now conducting public engagement with respect the Phase 2 amendments and is welcoming a review and input into the WMMP process and guideline requirements.

Through environmental assessment processes developers are often required to produce a plan to mitigate and monitor the impacts of their project on wildlife an wildlife habitat.

While there has been some variation in what these plans are called, GNWT now refers to these as Wildlife Management and Monitoring Plans, or WMMPs (pronounced “WEMPs”).

This presentation is an overview of the guidelines and regulations about WMMPs, and what this means for developers and regulators.

## What is a WMMP?

- Tool for protection of wildlife & habitat
- Demonstrates how developers will:
  - minimize and monitor impacts
  - remain in compliance
  - address public concern
- Best Practice



WMMPs are an important tool for the protection and conservation of wildlife and wildlife habitat. WMMPs are prepared by developers to demonstrate how they will minimize the impacts of their proposed or existing developments on wildlife and wildlife habitat, remain in compliance with regulatory requirements and address public concern.

The *Wildlife Act* gives the Minister the authority to require a developer to have an approved WMMP when certain criteria are met for certain types of development.

## Wildlife Act Requirement

Under Section 95 (1), The Minister can require that a WMMP be produced by developers of existing or proposed developments or other activities if those activities are likely to:

- (a) result in a significant disturbance to big game or other prescribed wildlife;
- (b) substantially alter, damage or destroy habitat;
- (c) pose a threat of serious harm to wildlife or habitat; or
- (d) significantly contribute to cumulative impacts on a large number of big game or other prescribed wildlife, or on habitat.



Section 95 addresses a regulatory gap surrounding wildlife.

Under the MVRMA regulations (*Section 26(1) h), (q) any other matter in respect of the protection of the biological or physical characteristics of the lands.*), the land and water boards can include permit conditions respecting the protection of wildlife HABITAT, but not of wildlife itself. Therefore, protection of wildlife itself, or requirements for monitoring of wildlife, could not be captured through the regulatory process. When developments would go to environmental assessment and there were concerns about wildlife, this usually required either environmental agreements be in place or the Review Board would have to give measures to require plans to address wildlife concerns.

By including WMMPs in the *Wildlife Act*, there is now a regulatory mechanism for capturing requirements related to wildlife and monitoring for the larger-scale developments.

## WMMP related regulations

To enable s95, ENR is developing regulations:



- WMMPs would apply to territorially managed wildlife (not migratory birds or fish) assessed or legally listed as species at risk under federal or NWT legislation
- The Minister would have to inform a person or developer requiring a WMMP of the reasons why
- The development, proposed development, or activity must wait until the WMMP is approved by the Minister
- The development must comply with an approved WMMP or could face penalties under the *Wildlife Act*



Draft regulations have been proposed under the *Wildlife Act* regarding the s.95 WMMP provisions.

## WMMP Guidelines in 2 Parts

### 1) WMMP Process Guideline:

- When is a WMMP required
- Interpretation and definition of criteria
- Process for submission, review and approval



### 2) WMMP Content Guideline:

- Key components and concepts
- Scaled tiers of WMMP
- Annotated Table of Contents
- Resources (templates, data sheets etc)



ENR has developed a new set of draft guidelines for developers and regulators. These draft guidelines are undergoing public review along with the regulations.

The WMMP Guidelines are broken down into WMMP Process Guidelines and the WMMP Content Guidelines.

The WMMP Process Guidelines address the question of when a WMMP would be required, how ENR would be interpreting and defining the criteria in paragraphs a – d of section 95(1), and spell out the process for submission, review and approval.

The WMMP Content Guidelines describe with what GNWT expects to see in a WMMP. There is guidance on the components and concepts that should be applied to WMMPs, the different Tiers of WMMP that GNWT would expect depending on the scale and nature of the development, an annotated Table of Contents for a FULL –scale WMMP, as well as resources for developing WMMP.

Both these documents have a series of “Best Practice” boxes throughout to guide some of the practice related to these requirements.

## Intentions behind WMMP Guidelines

- Principles:
  - Align with the spirit of the provision;
  - Integrate with existing regulatory process;
  - Balance certainty with flexibility;
  - Scale requirements to size and nature of development;
  - Retain opportunities for meaningful input;
  - Provide tools for ease of implementation.



The WMMP guidelines were developed using the collaborative approach with the Wildlife Act Working Group (WAWG), a Stakeholders Wildlife Act Advisory Group (SWAAG), input from regional ENR officials, and early feedback from regulatory officials.

The guidelines plan to standardize expectations, content and format of WMMPs to improve the quality of the plans and ensure greater consistency among projects.

## Do You Require a WMMP?

- **Short Answer:** If the Minister is satisfied that a development is likely to meet at least one of the criteria under Section 95(1)(a-d), then a WMMP is required.

Best Practice	Resource
1) Submit a basic WMMP with a preliminary screening application	1) Basic WMMP Template - App 2 of Content Guidelines
2) Engage with ENR early in the process	2) WMMP Screening Questionnaire - App 1 of Process Guidelines



The big question is usually is whether or not a development is required to have an approved WMMP.

The requirement for having an **approved** WMMP is based whether the development or activity meets the criteria in the Act.

ENR considers it a best practice for ALL developers who need a land use permit or water licence to submit a draft WMMP with their application to the respective land and water board for preliminary screening. However, one of the principles guiding development of the guidelines is that WMMPs are scaled to the size and nature of the operation.

There is a Basic WMMP template in Appendix 2 of the Content Guidelines that is simple to fill out and include with an application package.

It is also a best practice for developer to engage early with ENR and provide a screening questionnaire that developers can use to self-assess and guide discussion with ENR about whether a WMMP is likely to be required.


Having a basic plan outlining on how impacts to wildlife and wildlife habitat will be handled for any type of development will make reviewers jobs' easier. If the Minister of ENR determines that a WMMP is required, submitting a plan with the application will reduce the time it take to get approval.

Do You Require a WMMP?	
<b>“Always”</b>	<ul style="list-style-type: none"> <li>• Developments referred to EA for wildlife reasons</li> <li>• Usually need Type “A” water license</li> <li>• Larger-scaled, more intensive developments</li> </ul>
<b>“Likely”</b>	<ul style="list-style-type: none"> <li>• Screened on-project-by-project basis against criteria in Section 95(1) using questions outlined in Section 3.2.1</li> </ul>
<b>“Might”</b>	<ul style="list-style-type: none"> <li>• Will not be automatically screened against criteria</li> <li>• Only screened if reviewers identify key wildlife concern that cannot be addressed through permitting in PS</li> </ul>
<b>“Likely Do Not”</b>	<ul style="list-style-type: none"> <li>• Projects that do not require a screening as per MVRMA Exemption List and IFA Exclusion List Appendix C of the EISC</li> <li>• Type B LUP or Class C permit</li> <li>• Within municipal boundaries, excluding waste facilities</li> </ul>
<p>***NOTE: Minister of ENR has discretion More details in Section 3.1 and Table 1 (p.7) of the Process Guidelines</p>	

To clarifying when a WMMP is required there is a proposed system which identifies 4 categories of development. This is based the likelihood of meeting the section 95(1) criteria.

These categories were based primarily on thresholds for the type of water licence a project might require as well as on thresholds identified in the *Canadian Environmental Assessment Act*. It comes down to the size, scale and relative risk to wildlife and habitat using criteria for a Type A vs. B water licence, linear feature length, permanency, and volume of timber harvested for example. Please see the documents for additional details but the following is a high level summary.

Please note that the categories are meant to be a guide, and there will always be exceptions. The Minister will have discretion to deviate from the guidelines where it is warranted.

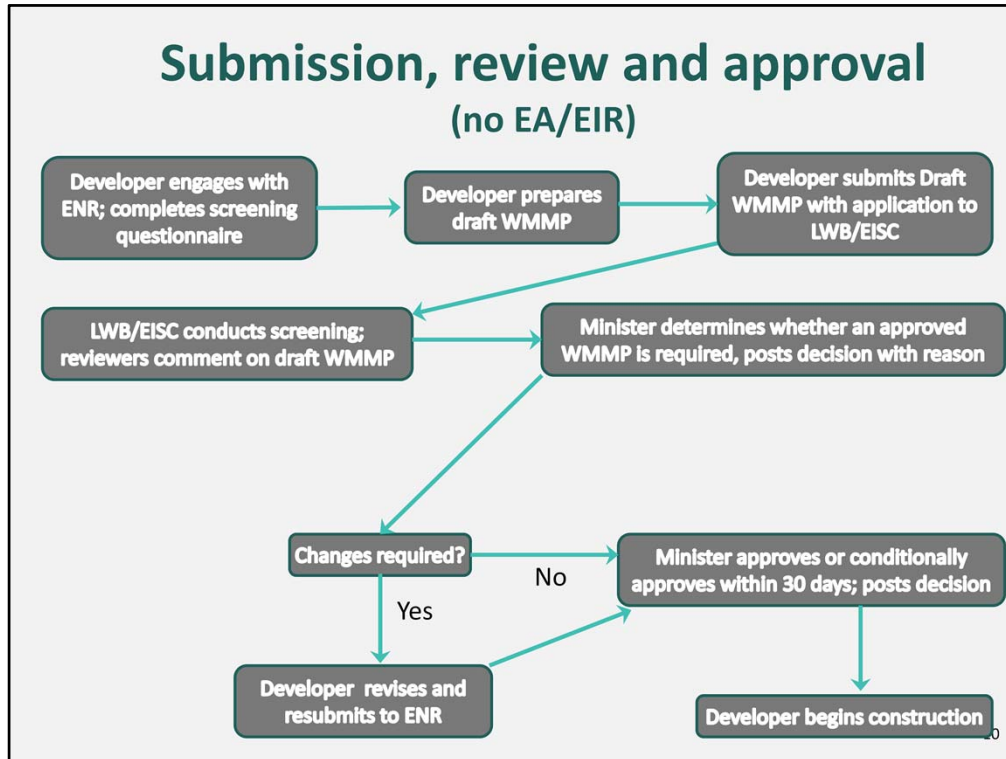
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There is one category of development that will always require a WMMP. This category includes projects that are referred to environmental assessment for reasons associated with impacts to wildlife or wildlife habitat and “larger scale more intensive developments.” This category would also include development that are associated with a Type “A” water licence. So if you need a Type A water licence and/or are being referred to EA for reasons that include wildlife, you will require an approved WMMP.

Next is a category of developments deemed “likely” to require a WMMP. All projects in this category will be screened on a project by project basis against the criteria in section 95 of the *Wildlife Act*. There is a section in the Process guidelines (Section 3.2.1) that identified the kinds of questions the Minister will consider in making a determination that a WMMP is required, and the Minister will provide a reason based on those criteria when making a determination. This approach provides an incentive for projects to be as diligent as possible in designing their wildlife programs.

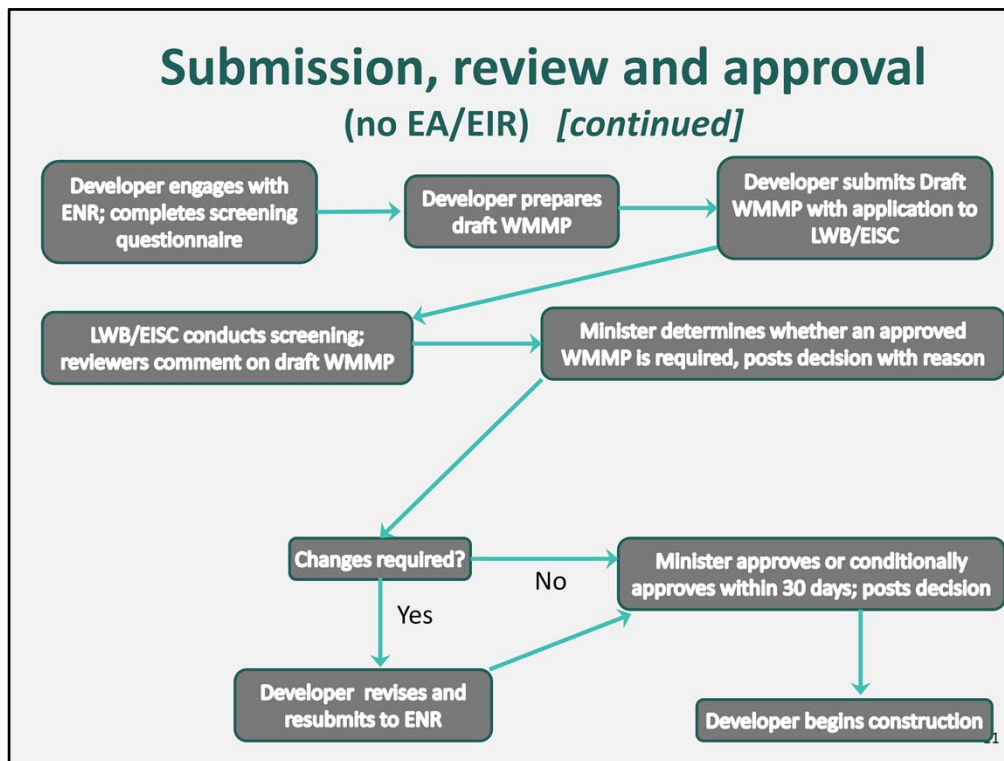
Next is the “might” category. These are projects deemed less likely to meet the criteria in the Act and will not be automatically be screened against the criteria. However, if during the preliminary screening there are concerns identified by reviewing parties cannot be addressed through conditions in licences or permits, this would trigger the Minister to make a determination.

The last category consists of developments that “likely do not” require a WMMP and are essentially exempt. This would include projects that do not require a screening as per the MVRMA Exemption List and *Inuvialuit Final Agreement* Exclusion List Appendix C. This would also be projects that only require Type B LUP or Class C permits, or projects that are within municipal boundaries.



The decision about whether a WMMP is required for a project is legislatively independent from the preliminary screenings and environmental assessments. Technically the Minister could make a determination at any time for a proposed or existing development. However, to ease the burden on parties that have to review development applications and WMMPs, there was an effort to integrate the WMMP process with existing regulatory processes as much as possible. Section 5 of the WMMP Process guidelines outlines (page 19 onwards) describes the process for submission, review and approval of WMMPs in the context of preliminary screenings and environmental assessments. Processes are described separately for the Mackenzie Valley and Inuvialuit Settlement Region as there are some differences.

During the planning phase, developers are encouraged to use the WMMP screening questionnaire to assess the impacts of their project and use that to engage with ENR and other potentially affected parties. This questionnaire will also help in the design of the WMMP.



Next the developer prepares a WMMP and is encouraged at minimum to use the Basic WMMP template provided in Appendix of the Content Guidelines. The draft WMMP is then submitted to the appropriate screening body with the land use permit or water licence application.

The Minister will use comments made by interested and affected parties regarding impacts to wildlife and wildlife habitat made during the preliminary screening in determining whether a WMMP is required and what type of changes may need to be made to the draft WMMP. Parties will be notified that their comments will be considered in making this determination in the notification provided by the applicable land and water board.

If changes are required, the developer will revise the draft WMMP accordingly and resubmit a final draft for approval.

Once the final draft WMMP is received, ENR will evaluate whether the required revisions have been made and provide a written notice of approval, conditional approval or rejection of the WMMP within 30 calendar days. Upon approval, the final draft WMMP becomes the final WMMP. The decision notice will be publicly posted. Timelines in the event of conditional approval will depend on the nature of the conditions and discussion with the developer.

Once the WMMP is approved, the developer may begin construction.

## Submission, review and approval (no EA/EIR)

Developer submits Draft WMMP with application to LWB/EISC  
**But what if the developer does not submit a draft WMMP with the application?!?!**

LWB/EISC conducts screening;  
reviewers comment on draft WMMP

Minister determines whether an approved  
WMMP is required, posts decision with reason

Changes required?

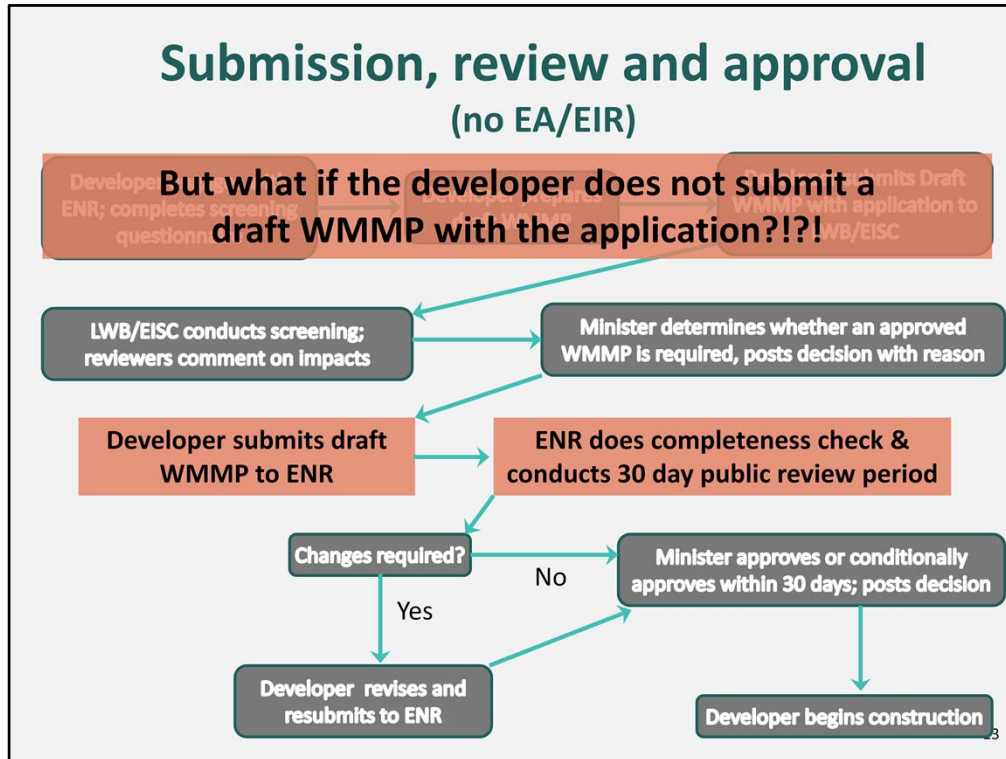
No

Minister approves or conditionally  
approves within 30 days; posts decision

Yes

Developer revises and  
resubmits to ENR

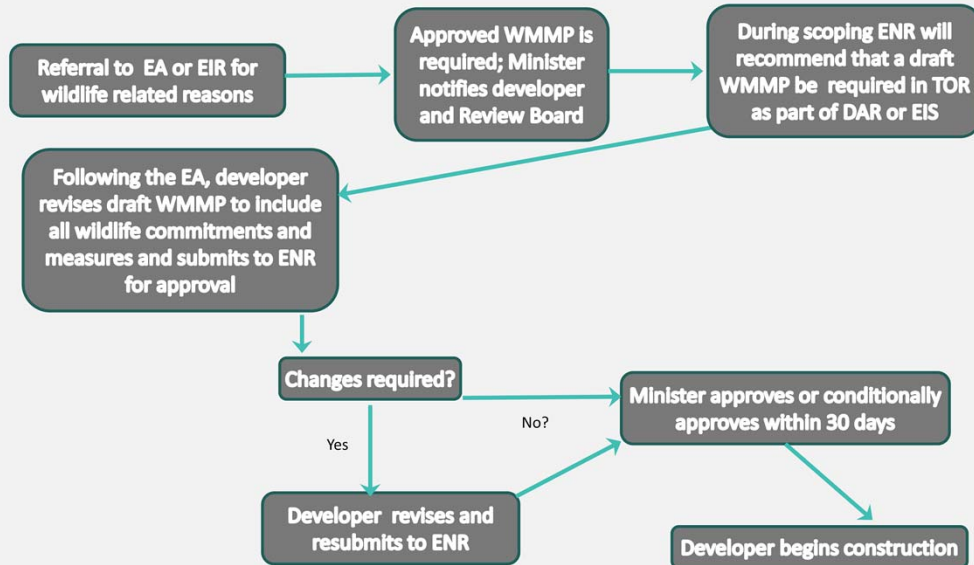
Developer begins construction

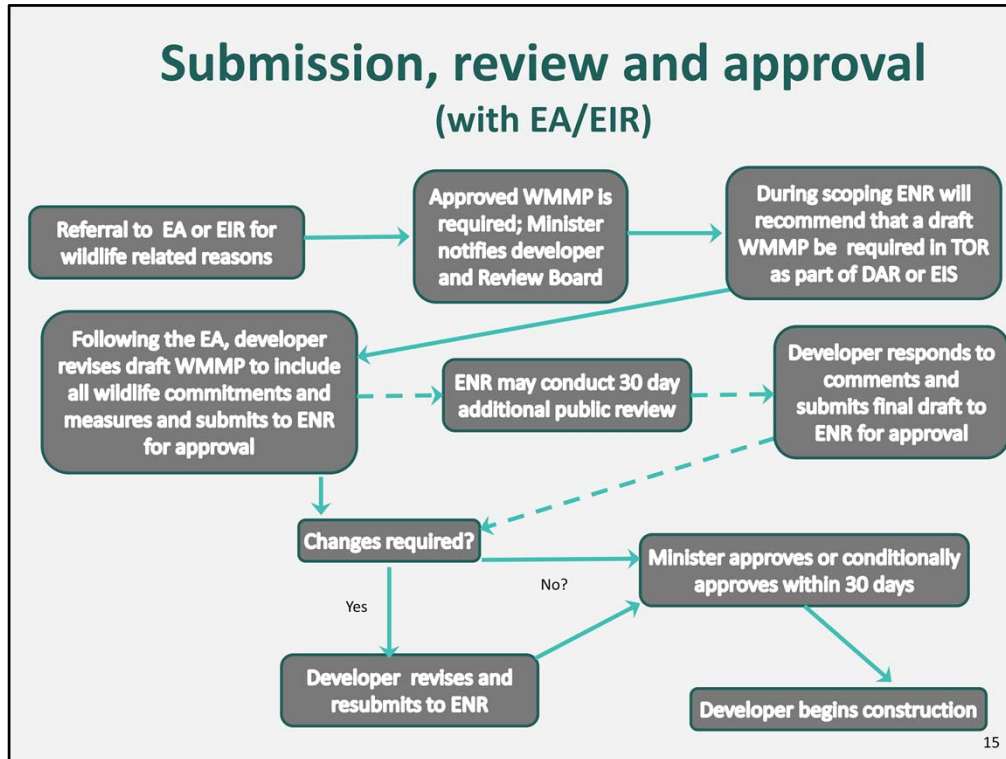


In that case, there would be a couple of steps added to the process.

If, after the preliminary screening, the Minister determines that a WMMP is required and none was submitted with the application, then ENR would notify the developer that one is required along with the determination letter. Once the developer submits a draft WMMP, ENR will conduct its own public review. Therefore, in the case that a developer does not submit a draft WMMP with their application for authorizations, they would lose the opportunity to save some time by having review of their draft WMMP be incorporated into preliminary screening.

## Submission, review and approval (with EA/EIR)

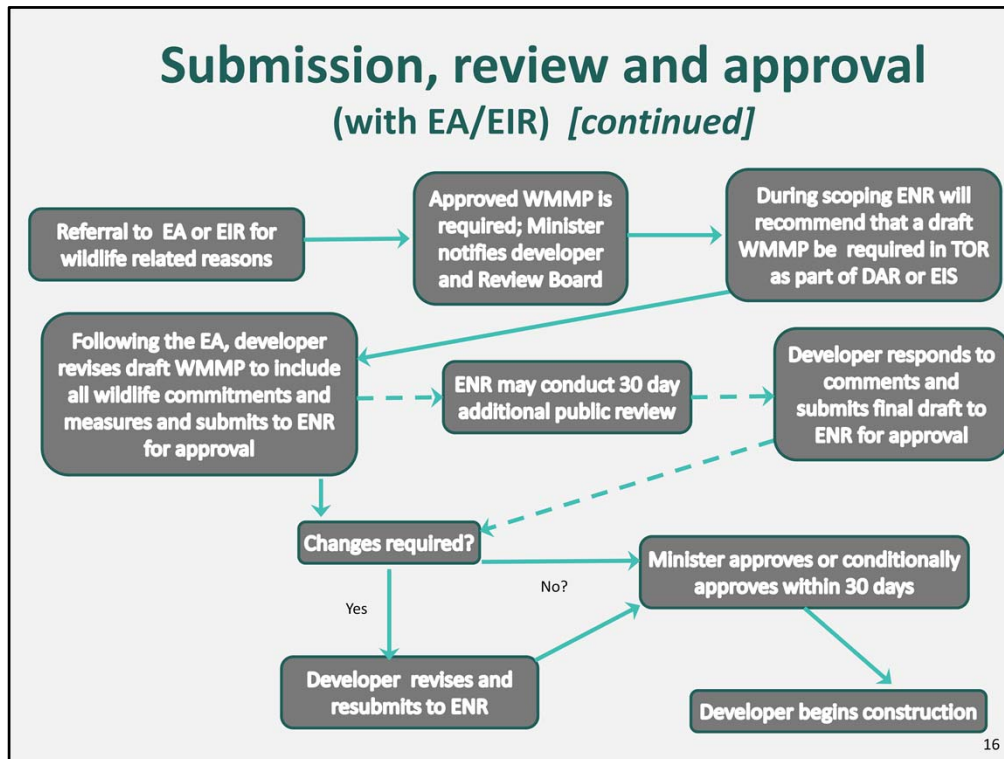




How would it work if a project is referred to environmental assessment or an environmental impact review?

If impacts to wildlife are among the reasons for referral to EA, an approved WMMP would be required for the project, and the Minister will notify the developer and the review board.

Where ENR would determine that a WMMP was required during the preliminary screening for the development and none was provided, ENR would recommend to the Mackenzie Valley Review Board (MVRB) that the terms of reference (TOR) for the project require submission of a draft WMMP with the DAR or EIS. Otherwise the developer has the option to re-use the one provided during the preliminary screening.



Please note that it is considered a best practice, particularly for developers that have submitted a draft WMMP with their initial authorization application, to provide an updated WMMP at some point during the review process. In the Mackenzie Valley, an updated WMMP would ideally be provided following the technical sessions, prior to parties' preparation of technical reports. In the ISR, an updated WMMP would ideally be submitted after the technical review period and prior to the public hearing.

Following the EA/EIR, the developer should submit a revised draft WMMP to ENR that will address the measures, recommendations and commitments related to wildlife and habitat identified during the EA.

Depending on the nature of the changes and review process, ENR may then conduct a 30 calendar day public comment period on the revised draft WMMP, and issue any further requirements for revisions. This will include a letter notifying MVRB, relevant parties that were involved in the EA/EIR, and other potentially affected Indigenous governments and organizations, to request their review of the draft WMMP.

In this case the developer would need to respond to public comments and would make any changes necessary arising from that process before submitting to ENR for approval.

Upon receipt of the final draft WMMP, ENR will provide a written notice of approval, conditional approval or rejection of the WMMP within 30 calendar days. Upon approval, the final draft WMMP becomes the final WMMP. The decision notice will be publicly posted. Timelines in the event of conditional approval will depend on the nature of the conditions and discussion with the developer.

## Existing developments

- A permit that comes up for renewal or amendment will be screened against the s.95(1) criteria if it is a type of project that is “always” or “likely” to require a WMMP
- S.95(3) of the Act allows other plans to be accepted in lieu of a WMMP if the contents of the plan meet the requirements



The section 95 requirements apply to any future proposed or existing developments.

The guidelines will take the approach that if permit that comes up for renewal or amendment, they will then will be screened against the s.95(1) criteria if it is a type of project that is “always” or “likely” to require a WMMP.

For any development that may already have plans in place that are not WMMPs, or do not exactly follow the guidance in the guidelines, there is a section of the Act that allows other plans to be accepted in place of a WMMP if the contents of the plan meet the requirements.

## What goes in a WMMP?

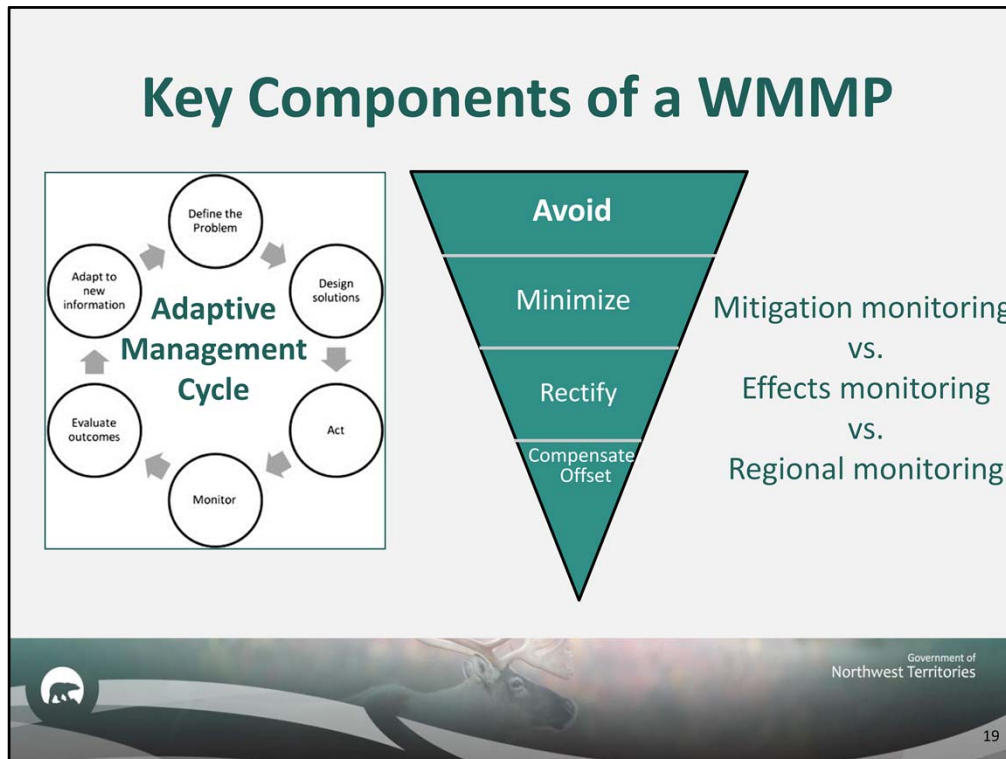
Section 95 (2) of the *Wildlife Act* stipulates that WMMPs must include:

- (a) a description of potential disturbance to big game and other wildlife included in the regulations, potential harm to wildlife and potential impacts on habitat;
- (b) a description of measures to be implemented for the mitigation of potential impacts;
- (c) the process for monitoring impacts and assessing whether mitigative measures are effective; and
- (d) other requirements that are outlined in the regulations.



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The WMMP Content Guidelines documents provide information for developing a WMMP that would meet the requirement of section 95 (2) of the Act which stipulates that WMMPs must include.



The WMMP Content Guidelines discuss some of the key components and concepts that are expected to be captured in WMMPs. For instance, you will find some information on important relevant concepts such as adaptive management, the mitigation hierarchy, as well as definitions of the different types of monitoring that we might expect to see in WMMPs.

Tiers of WMMP		Mitigation Monitoring	Effects monitoring	Regional monitoring &/or CE contribution
<b>TIER 1</b> (Basic)	<ul style="list-style-type: none"> <li>• meets 1 or more of criteria a-c</li> <li>• impacts well understood</li> <li>• greater certainty in mitigations</li> <li>• usually not referred to EA</li> <li>• Template in Appendix 2</li> </ul>	X		
<b>TIER 2</b>	<ul style="list-style-type: none"> <li>• meets 1 or more of criteria a-c</li> <li>• impacts less well understood</li> <li>• less certainty in mitigations</li> <li>• usually referred to EA</li> </ul>	X	X	
<b>TIER 3</b>	<ul style="list-style-type: none"> <li>• Similar to Tier 2 + criterion d (cumulative effects)</li> <li>• Considered a full-scale WMMP</li> </ul>	X	X	X

The WMMP process follows an approach to ensure that WMMPs are appropriate for the nature and scale of the development. Section 2.3 of the content guidelines outline three tiers of WMMP.

The first tier of WMMP, a “basic” or Tier 1 WMMP applies to projects that meet one or more of criteria (a) to (c) and for which the impacts are generally well understood and there is greater certainty in mitigation. This type of project is not usually referred to EA. A template for a basic WMMP can be found in Appendix A of the Content Guidelines. The basic required information includes:

- a description of the impacts of the development on wildlife and wildlife habitat;
- a description of how those impacts will be mitigated; and
- a description of mitigation monitoring.

Mitigation monitoring is essentially the basic type of monitoring undertaken to identify the need to apply or modify mitigation. This might include your basic surveillance or inspections by project personnel to identify the presence of wildlife or other risks to wildlife or humans that would trigger procedures identified in the WMMP.

Tiers of WMMP <i>[continued]</i>		Mitigation Monitoring	Effects monitoring	Regional monitoring &/or CE contribution
<b>TIER 1</b> (Basic)	<ul style="list-style-type: none"> <li>meets 1 or more of criteria a-c</li> <li>impacts well understood</li> <li>greater certainty in mitigations</li> <li>usually not referred to EA</li> <li>Template in Appendix 2</li> </ul>	X		
<b>TIER 2</b> ↑	<ul style="list-style-type: none"> <li>meets 1 or more of criteria a-c</li> <li>impacts less well understood</li> <li>less certainty in mitigations</li> <li>usually referred to EA</li> </ul>	X	X	
<b>TIER 3</b> ↑	<ul style="list-style-type: none"> <li>Similar to Tier 2 + criterion d (cumulative effects)</li> <li>Considered a full-scale WMMP</li> </ul>	X	X	X

Tier 2 would be applied in cases where there the impacts might be less well understood or there is less certainty in the mitigations. A project referred to EA would usually need at least a Tier 2 WMMP. This tier would require the same information as a Tier 1, PLUS a Description of Project-Specific Wildlife Effects Monitoring. (Sections appropriate for Tier 2 are in Appendix 3). Effects monitoring consists of a more “rigorous, scientific” approach to monitoring with the objective of quantifying project effects in the local or regional study area, testing predictions made in environmental assessment or testing the effectiveness of mitigation approaches.

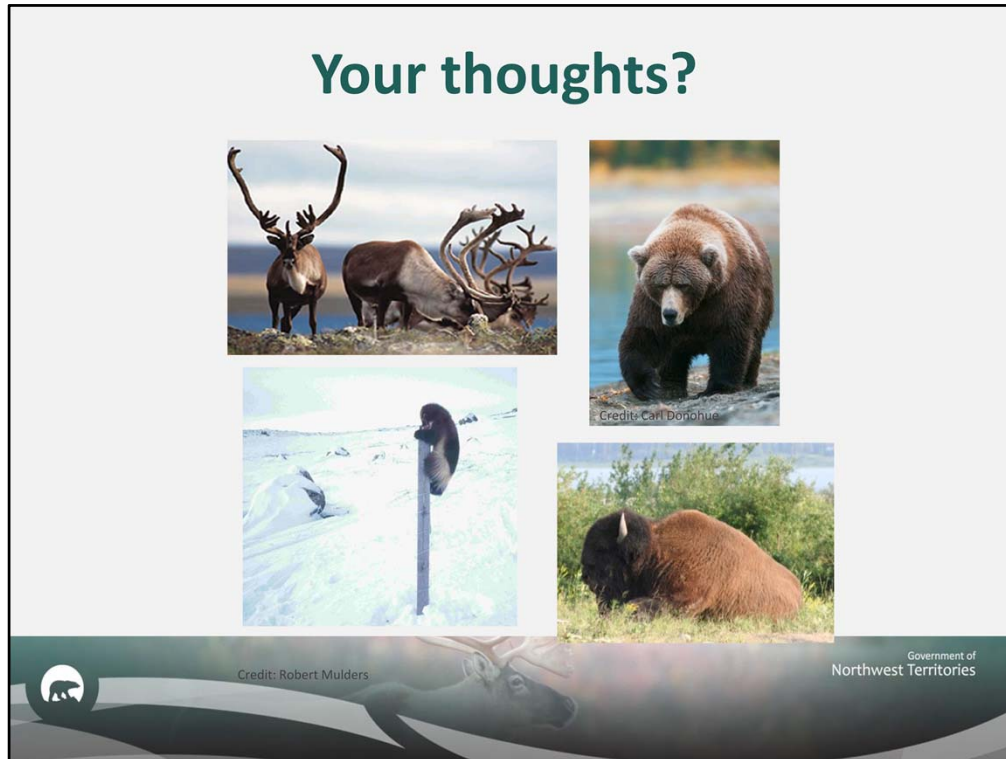
Tier 3 is similar to Tier 2, but it for a project that is likely to meet criterion (d) in Section 95(1) regarding cumulative effects. The required content would be the same as a Tier 2, but there would also be an expectation of more deliberate regional scale monitoring or some type of contribution to cumulative effects research, assessment or management initiatives.

## Resources

- Template for Basic WMMP
- Annotated Table of Contents of a full-scale WMMP
- ENR contact information
- Examples of data sheets and SOPs
- Camp waste and Wildlife attraction manual
- Reporting protocols
- Links to key online resources.



The draft WMMP documents also include resources associated with these guidelines that are helpful to the development of WMMPs that developers are encouraged to use.



These guidelines are the result of meaningful input provided by a number of engaged individuals from a number of different organizations.

If you have any ideas on how to further improve them, this is an opportunity to help shape what the final guidelines will look like. ENR will continue to develop and refine the WMMP guidelines based on the feedback received.

Please provide your input **by June 30, 2018**.

Comments should be sent to: Mr. Rob Gau, Manager Biodiversity Conservation, by email: [rob\\_gau@gov.nt.ca](mailto:rob_gau@gov.nt.ca), or by phone (867) 767-9237, extension 53213.

ENR officials are available to discuss the content of the WMMP guidelines, or any other related concerns you may have. Please feel free to use the contact information above, talk to your local Renewable Resources Officer, or visit your local ENR Regional Office.



# Photo credits

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Slide 5: Polar bears in dump: <https://wattsupwiththat.files.wordpress.com/2015/04/polarbear-eat-garbage.jpg>

Slide 6: Nest: Jason Simpson, Pickerel Lake NT <https://mapcarta.com/24553856/Gallery/14459403949>

Slide 6: Raptor nest in quarry wall:  
[https://www.google.ca/search?q=peregrine+falcon+nest&source=lnms&tbn=isch&sa=X&ved=0ahUKEwjlrqTPhZrZAhVSlqwKHdSCDYQ\\_AUICjgB&biw=1670&bih=790#imgsrc=oOMQPY\\_pmH-mSM:&spf=1518220910944](https://www.google.ca/search?q=peregrine+falcon+nest&source=lnms&tbn=isch&sa=X&ved=0ahUKEwjlrqTPhZrZAhVSlqwKHdSCDYQ_AUICjgB&biw=1670&bih=790#imgsrc=oOMQPY_pmH-mSM:&spf=1518220910944)

