



Wildlife Management and Monitoring Plan (WMMP)

Process and Content Guidelines

June 2019

DISCLAIMER

These guidelines do not replace legislation or the terms and conditions of regulatory authorizations. Although every attempt has been made to provide up-to-date information, it remains the developer's responsibility to obtain the most recent information related to wildlife and wildlife habitat, to ensure all regulatory requirements have been met, and to undertake appropriate consultation with territorial and federal government departments and Indigenous governments and organizations. No parts of these guidelines are intended to infringe on asserted or established Aboriginal or treaty rights.

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ACRONYMS AND DEFINITIONS

ACRONYMS

COSEWIC	Committee on the Status of Endangered Wildlife in Canada
DAR	Developer's Assessment Report (also known as an Environmental Impact Statement)
EA	Environmental Assessment
EIA	Environmental Impact Assessment
EIR	Environmental Impact Review
EIRB	Environmental Impact Review Board
EIS	Environmental Impact Statement
EISC	Environmental Impact Screening Committee
ENR	Department of Environment and Natural Resources
GNWT	Government of the Northwest Territories
IFA	Inuvialuit Final Agreement
ISR	Inuvialuit Settlement Region
IGO	Indigenous Governments and organizations
LSA	Local Study Area
LUP	Land Use Permit
LWBs	Land and Water Boards
MOU	Memorandum of Understanding
MVRB	Mackenzie Valley Review Board
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWT	Northwest Territories
RSA	Regional Study Area
SARA	<i>Species at Risk Act</i>
SARA (NWT)	<i>Species at Risk (NWT) Act</i>
SOP	Standard Operating Procedure
TK	Traditional Knowledge
VEC	Valued Ecosystem Component
WL	Water Licence
WLWB	Wek'èezhì Land and Water Board
WMIS	Wildlife Management Information System
WMMP	Wildlife Management and Monitoring Plan

DEFINITIONS

Adaptive Management

Adaptive management is a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs^{1,2}. The term is commonly thought of as “learning by doing.” Active adaptive management typically involves active experimentation to simultaneously test a range of alternative management actions, whereas passive adaptive management may involve selecting only the “best” management option and evaluating the results to see if further adjustments are needed.

Action Level

A pre-established magnitude of change in a monitored indicator that triggers a management action in an adaptive management context.

Big Game

Big game species are prescribed in Schedule A of the [Wildlife General Regulations](#)³:

- Bison
- Coyote
- Wolf
- Cougars
- Wolverine
- Mountain goat
- Dall’s sheep
- Bear
- Moose
- Caribou
- Muskox
- Deer
- Elk

¹ British Columbia Forest Service. 2014. Defining Adaptive Management. www.for.gov.bc.ca/hfd/pubs/docs/sil/sil426-1.pdf

² Appendix 1 of the Wek’èezhì Land and Water Board’s [Guidelines for Adaptive Management - a Response Framework for Aquatic Effects Monitoring](#) presents a discussion of definitions for adaptive management.

³ Wildlife General Regulations are available at: www.canlii.org/en/nt/laws/regu/nwt-reg-115-2014/latest/nwt-reg-115-2014.html

Cumulative Impacts

Cumulative impacts are changes to a valued ecosystem component caused by multiple interactions among human activities and natural processes that accumulate across space and time⁴. For the purpose of describing this concept within these guidelines, the terms “impact” and “effect” are used interchangeably.

Critical Habitat

As defined in the federal *Species at Risk Act*, critical habitat means habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species’ critical habitat in the recovery strategy or action plan for the species.

Designated Habitat

As defined in the *Species at Risk (NWT) Act*, designated habitat means habitat or a component or combination of components of habitat that is designated by regulation under section 153 of that Act.

Development

For the purpose of these guidelines, development includes any proposed or existing development and means (a) any public, commercial or industrial undertaking or venture, including support and transportation facilities, related to the extraction of renewable or non-renewable resources, and any infrastructure related to transportation and utilities; (b) any use of land that requires a permit under the [Mackenzie Valley Land Use Regulations](#) or the [Territorial Land Use Regulations](#); or (c) any undertaking that requires a licence to use water or deposit waste under the [Northwest Territories Waters Act](#). The term “public” is intended to include municipal, territorial, federal and Indigenous governments.

Draft Wildlife Management and Monitoring Plan

A wildlife management and monitoring plan submitted to the Minister of Environment and Natural Resources that has not yet been approved or provisionally approved.

Developer

Any person, government or any other legal entity owning, operating or causing to be operated any development in whole or in part in the Northwest Territories, including any co-contractant of such owner or operator⁵. The term “government” is intended to include municipal, territorial, federal and Indigenous governments.

Development Footprint

The land or water area directly affected by a development.

⁴ Adapted from Canadian Council for Ministers of the Environment (CCME). 2014. www.ccme.ca/en/current_priorities/cumulative-effects/index.html

⁵ Adapted from the definition of “Developer” in Section 2.0 the Inuvialuit Final Agreement available at: [www.irc.inuvialuit.com/sites/default/files/Western Arctic Claim Inuvialuit FA 0.pdf](http://www.irc.inuvialuit.com/sites/default/files/Western%20Arctic%20Claim%20Inuvialuit%20FA%200.pdf)

Environmental Impact Assessment

The part of the regulatory process that systematically considers the effects of a development in decision-making prior to licensing and permitting, as required by Part 5 of the [Mackenzie Valley Resource Management Act](#) or sections 11 and 13 of the [Inuvialuit Final Agreement](#).

Final Wildlife Management and Monitoring Plan

A wildlife management and monitoring plan that has been approved by the Minister of Environment and Natural Resources.

Habitat

As defined in the [Wildlife Act](#): the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Local Study Area

Local study area means the area surrounding and including the development footprint, where there is reasonable potential for immediate environmental impacts due to ongoing development activities. The local study area is usually defined during the environmental assessment of a development.

Management Plan

For the purpose of these guidelines, a management plan may refer to recovery strategies, management plans, action plans, range plans or any other plan for the recovery or management of a wildlife species that is developed by the GNWT, federal government, Indigenous government or by a renewable resources board.

Minister

Where a department is not specified, Minister refers to the Minister of Environment and Natural Resources.

Mitigation

Actions taken to reduce potential adverse environmental impacts of all phases of a development project.

Prescribed Species

Until such time as regulations are developed that define “prescribed wildlife” for the purposes of section 95, the following species should be considered for the purpose of subsection 95(1)(a) and (b) in addition to big game species:

- Species that are pre-listed or listed under [Species at Risk \(NWT\) Act](#)⁶
- Species that have been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC)⁷ and/or listed on Schedule 1⁸ of the federal [Species at Risk Act](#) that are territorially managed. Territorially managed wildlife species do not include fish, marine mammals or bird species covered under the [Migratory Birds Convention Act](#)⁹.

Regional Study Area

Regional study area or RSA is the area within which direct, indirect or cumulative impacts associated with the development are assessed for a particular valued ecosystem component (VEC). This is defined as the area extending beyond the development footprint in which both adverse effects are anticipated to occur. RSAs may be specific to individual VECs. For example, the regional study area for a herd of migratory caribou might be the annual range. The RSAs for wildlife VECs are usually defined during the environmental assessment of a development; however, boundaries may change over a development's life as new information about the extent of impacts becomes available.

Regulatory Process

The legislated system that allows for review, assessment, approval (or rejection), and oversight of a proposed development. Generally, the regulatory process includes a preliminary screening or screening, an environmental assessment or environmental impact review (if required), and, if the proposed development is approved, the licensing and permitting phase (also called the “regulatory phase”), as well as oversight and enforcement of permit/licence conditions over the life of the development.

Response Framework

A systematic approach to responding in the context of adaptive management when the results of a wildlife or wildlife habitat monitoring program indicate an action level has been reached.

Standard Operating Procedures

Standard operating procedures or SOPs are usually developed by a developer and outline specific steps and actions to follow for a specific program, procedure or situation. For

⁶ For a current list of listed and pre-listed species under *SARA(NWT)* visit: www.nwt-species-at-risk.ca/SpeciesAtRisk

⁷COSEWIC assessed species can be found at: www.cosewic.gc.ca/default.asp?lang=en&n=EC89538C-1

⁸Schedule 1 of the federal *Species at Risk Act* can be found at: www.registrelep-sararegistry.gc.ca/species/default_e.cfm

⁹Birds Protected in Canada under the *Migratory Birds Convention Act, 1994* can be found at: ec.gc.ca/nature/default.asp?lang=En&n=496E2702-1

example, a standard operating procedure might outline to employees how to respond to a bear in camp.

Traditional Knowledge

Traditional knowledge or TK is defined as knowledge and values that have been acquired through experience, observation, from the land or from spiritual teachings, and handed down from one generation to another¹⁰. For additional definitions of TK, please see the Mackenzie Valley Review Board's [Traditional Knowledge Guidelines](#)¹¹.

Valued Ecosystem Component

Valued ecosystem components or VECs are parts of the natural and human world that are considered valuable by participants in an EIA process. Effects on VECs represent the investigative focal point of any EIA.

Wildlife

As defined in the NWT *Wildlife Act*:

“(a) all species of vertebrates and invertebrates found wild in nature in the Northwest Territories, and individuals of those species, except
(i) fish as defined in section 2 of the Fisheries Act (Canada), and
(ii) other prescribed species and subspecies,
(b) species of wildlife referred to in paragraph (a) that are domesticated or held in captivity, and individuals of those species, and
(c) prescribed species or subspecies of vertebrates and invertebrates, and individuals of those species or subspecies.”

Wildlife Incident

Reportable interaction between wildlife and the personnel or property of a development including wildlife injury or mortality, use of a deterrent or threats from wildlife to human safety or property.

Zone of Influence

Area around a development footprint within which the abundance or behaviour of a wildlife species is altered beyond baseline levels given available habitat.

¹⁰www.enr.gov.nt.ca/sites/default/files/documents/53_03_traditional_knowledge_policy.pdf

¹¹www.reviewboard.ca/upload/ref_library/1247177561_MVReviewBoard_Traditional_Knowledge_Guidelines.pdf

1.0 INTRODUCTION

The Government of the Northwest Territories (GNWT) Department of Environment and Natural Resources (ENR) is responsible for the implementation and enforcement of the [Wildlife Act](#)¹². Section 95 of the *Wildlife Act* contains provisions outlining criteria for when a Wildlife Management and Monitoring Plan (WMMP) will be required as well as the mandatory content for such plans. These guidelines are intended to clarify requirements and expectations related to WMMPs.

ENR has endeavored to ensure these guidelines reflect the spirit and intent behind section 95 of the *Wildlife Act*, to ensure WMMPs apply to the larger, most impactful developments. These guidelines also are intended to recognize and respect Aboriginal and treaty rights of Indigenous peoples, including harvesting rights, and to reflect the GNWT's commitment to working in a collaborative manner within the wildlife management processes established for the Northwest Territories (NWT).

Section 95(1) of the *Wildlife Act* states:

“A developer or other person or body may be required, in accordance with the regulations, to prepare a wildlife management and monitoring plan for approval by the Minister, and to adhere to the approved plan, if the Minister is satisfied that a development, proposed development, or other activity is 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(2) of the *Wildlife Act* outlines the mandatory content for such plans, stating:

“A wildlife management and monitoring plan 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;*

¹² A plain language version of the *Wildlife Act* is available at: www.enr.gov.nt.ca/sites/enr/files/resources/wildlife_act_plain_language_summary_january_2018.pdf

(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.”

Subsection 95(3) of the *Wildlife Act* allows the Minister of ENR to accept another plan or a section of another plan in place of a WMMP if it can be shown that the alternative plan meets the above requirements to the satisfaction of the Minister.

1.1 Purpose

WMMPs are an important tool for the protection and conservation of wildlife and wildlife habitat to ensure sustainable development. WMMPs allow developers to demonstrate how they will mitigate the impacts of their developments to wildlife and wildlife habitat, remain in compliance with regulatory requirements and address public concern. Developing a WMMP to outline how impacts to wildlife and wildlife habitat will be minimized is considered a best practice for all development projects in the NWT.

If the Minister determines a development project is likely to meet any of the criteria outlined in section 95(1) of the *Wildlife Act* (see [Section 3.0](#)), then a WMMP is required for the development. This WMMP will have to meet certain content requirements and be approved by the Minister.

The purpose of these guidelines is to:

- clarify how the Minister of ENR will decide when a WMMP will be required for a development or activity
- assist developers in undertaking a self-assessment to determine whether their development is likely to require a WMMP
- explain the process for developing and obtaining approval of a WMMP
- describe best practices related to WMMPs
- provide guidance to developers on how to prepare an effective WMMP that meets the requirements of the *Wildlife Act*

2.0 BEST PRACTICES

Best practices related to the preparation and submission of a WMMP are highlighted in text boxes throughout this document.

BEST PRACTICE

GNWT considers it a best practice for all developers to submit a basic (Tier 1) WMMP with their application for authorizations. A Tier 1 WMMP should outline how impacts to wildlife and wildlife habitat will be mitigated even if the Minister of ENR does not require a WMMP under section 95 of the *Wildlife Act*. To facilitate this, a template for such a plan is provided on the [ENR website](#). This information will assist regulators and other participants in the regulatory process in reviewing development applications and is an effective way for developers to communicate these aspects of their development to staff responsible for implementing them.

3.0 DO YOU NEED A WMMP?

Section 95(1) (a-d) of the *Wildlife Act* describes factors that will be considered by the Minister of ENR in determining whether a WMMP will be required for a development. The exemptions, definitions, criteria and examples provided below are intended to be used as a guide to help developers and GNWT employees to determine when a WMMP is likely to be required for a development or activity; however, the Minister has ultimate discretion in determining if a WMMP is required, and will rely on the information provided by the developer and comments on the development made by other parties (see [Section 4.0](#)).

3.1 When is a WMMP required?

The requirement to prepare and adhere to an approved WMMP may apply to a proposed or existing development, or other activities, if the Minister is satisfied that at least one of the conditions outlined in section 95(1) (a-d) is **likely** to apply. In making this determination, the Minister will consider all possible phases of a proposed development: construction, expansion, operation and decommissioning.

The following four subsections describe types of development that, subject to the Minister's discretion, will 'always' require a WMMP, will 'likely' require a WMMP, 'might' require a

WMMP or 'likely do not' require a WMMP. This information is summarized in Table 1. Any development falling in the first three categories that is referred to environmental assessment (EA) or environmental impact review (EIR) due in whole or in part to concerns surrounding impacts to wildlife is likely to trigger section 95(1) (a-d) and therefore will be required to have an approved WMMP.

3.1.1 Developments that will 'always' require a WMMP

The following types of development are deemed always likely to satisfy one or more of section 95(1) (a-d), and will therefore automatically require a WMMP. The tier of WMMP required (see [Section 5.3](#)) for the project will depend on the types of mitigation proposed and the level of certainty that they will sufficiently avoid or minimize impacts. The list below is not intended to be exhaustive.

- A mine¹³, including associated infrastructure, requiring a Type A water licence
- Advanced mineral exploration requiring a Type A water licence, including but not limited to: bulk sampling; stripping and trenching land; removing shallow overburden; use of explosives; and drilling
- An oil and gas processing facility, storage facility, refinery, well¹⁴, or pipeline³ requiring a Type A water licence
- An electrical generating facility, dam, dyke, or water diversion facility requiring a Type A water licence
- Construction and operation¹⁵ of an all-season road, haul road or access road greater than 50 km in length¹⁶
- An electrical or communication transmission line that requires 75 km or more of new right of way⁴
- Timber harvesting that requires a Forest Management Agreement and/or Timber Cutting Licence for >5 year duration with a timber harvest allocation that exceeds 50,000 m³/year
- Municipal solid waste disposal facility requiring a Type A water licence

¹³ As defined in the [Northwest Territories Mining Regulations](#)

¹⁴ As defined in the [Oil and Gas Operations Act](#)

¹⁵ While operation and maintenance activities for a public highway are normally exempt from requiring a preliminary screening, and thus not likely to require a WMMP, when associated with a proposal to construct or upgrade a public highway, the operations and maintenance phase may require a WMMP.

¹⁶ Based on [Canadian Environmental Assessment Act – Regulations Designating Physical Activities](#)

3.1.2 Developments that will ‘likely’ require a WMMP

The following types of development are likely to satisfy one or more of section 95(1) (a-d) and will therefore trigger ENR to evaluate the development proposal against the criteria in section 95(1) to determine if WMMP is required. The list below is not intended to be exhaustive. Other types of developments that are not listed below may, at the Minister’s discretion, be assessed on a case-by-case basis.

- Construction of a mine¹⁷, including associated infrastructure, requiring a Type B water licence
- Advanced mineral exploration requiring a Type B water licence, including but not limited to, bulk sampling; stripping and trenching land; removing shallow overburden; use of explosives; and drilling
- An oil and gas processing facility, storage facility, refinery, well, or pipeline requiring a Type B water licence
- Land-based seismic programs that do not meet the definition of “Low impact seismic” as described in the [Northern Land Use Guidelines: Northwest Territories Seismic Operations](#)¹⁸
- Construction and operation¹⁹ of an all-season, haul road or access road 25-50 km in length
- Construction and operation⁸ of a seasonal road greater than 50 km in length including trails, compacted snow roads or winter access roads as defined in the [Northern Land Use Guidelines – Access: Roads and Trails](#)²⁰; or, upgrading of greater than 25 km of a seasonal road to an all-season road
- An electrical generating facility, dam, dyke, or water diversion facility requiring a Type B water licence
- An electrical or communication transmission line that requires 25-75 km of new right of way

¹⁷ See footnote 2

¹⁸ [Northern Land Use Guidelines: Northwest Territories Seismic Operations](#), p.20

¹⁹ While operation and maintenance activities for a public highway are normally exempt from requiring a preliminary screening, and thus not likely to require a WMMP, when associated with a proposal to construct or upgrade a public highway, the operations and maintenance phase may require a WMMP.

²⁰ [Northern Land Use Guidelines – Access: Roads and Trails](#), p.6

- Timber harvesting that requires a Timber Cutting Licence, i.e., a multi-year timber harvest allocation or a single year allocation that exceeds 5,000 m^{3,21}
- Solid waste disposal facility within a municipality requiring a Type B water licence

3.1.3 Developments that ‘might’ require a WMMP

Other types of developments not listed in Sections 3.1.1 and 3.1.2 are deemed less likely to require a WMMP and will not automatically be screened against the criteria unless wildlife-related concerns are identified during project screening²² that cannot be adequately addressed through conditions included in authorizations issued by the regulatory authority. See Table 1 for criteria for different development types that may fall in this category.

3.1.4 Developments that ‘likely do not’ require a WMMP

Certain types of development, such as those listed below, likely will not require a WMMP.

- In the Mackenzie Valley, developments that are not required to undergo a screening as per the [Mackenzie Valley Resource Management Act \(MVRMA\) Exemption List Regulations](#)²³
- In the Inuvialuit Settlement Region (ISR), activities that are not developments as that term is defined in the [Inuvialuit Final Agreement](#) (IFA). This may also include developments that are exempt from the environmental impact screening (EIS) and review process by virtue of being listed in the Exclusion List found in section 3.2.4 and Appendix C of the [Environmental Impact Screening Committee](#) (EISC) guidelines²⁴
- Developments or activities that would only require a Type B or C land use permit²⁵ under the [Mackenzie Valley Land Use Regulations](#) or a Class B permit under the [Territorial Land Use Regulations](#)
- Developments within municipal boundaries, excluding solid waste disposal facilities

²¹ [Commercial Timber Harvest Planning and Operations Standard Operating Procedures Manual](#)

²² In this document, “project screening” means a preliminary screening conducted under the MVRMA as well as the synonymous process of environmental screening under the IFA.

²³ [MVRMA Exemption List Regulations](#)

²⁴ EISC’s EIS Guidelines can be found at: www.screeningcommittee.ca/pdf/eisc_guidelines.pdf

²⁵ MVLWB’s list of activities requiring Type A and Type B permit can be found at: mvlwb.com/sites/default/files/documents/Activities-Requiring-a-Land-Use-Permit.pdf

Table 1. Summary of high level criteria used to assist in determining if different types of development ‘always’, ‘likely’, ‘might’ or ‘likely do not’ require a WMMP.

Type of Development	WMMP Required?			
	‘Always’	‘Likely’	‘Might’	‘Likely Not’
Mine	Type A water licence	Type B water licence	N/A ¹	N/A
Advanced Mineral Exploration	Type A water licence	Type B water licence	No water licence required	N/A
Oil and gas processing facility, storage facility, refinery, well, or pipeline	Type A water licence	Type B water licence	No water licence required	N/A
Land-based seismic programs	N/A	Programs that do not meet the definition of “Low impact seismic”	Programs that do meet the definition of “Low impact seismic”	N/A
Electrical generating facility, dam, dyke, or water diversion facility	Type A water licence	Type B water licence	No water licence required	N/A
Construction and operation of an all-season road, haul road or access road	>50 km in length	25-50 km in length	<25 km in length	N/A
Construction and operation of a seasonal road including trails, compacted snow roads or winter access roads; or, upgrading of a seasonal road to an all-season road	N/A	New seasonal road: >50 km in length Upgrade from a seasonal road to an all-season road: >25 km in length	New seasonal road: <50 km in length Upgrade from a seasonal road to an all-season road: <25 km in length	N/A
Electrical or communication transmission line	>75 km in length	25-75 km in length	<25 km in length	N/A
Timber harvesting	Forest Management Agreement (>50,000 m ³ /yr and >5 yrs)	Timber Cutting Licence (>5,000 m ³ /yr and > 1 yr)	Timber Cutting Permit (<5,000 m ³ /yr and <1 yr)	Free Timber Cutting Permit (<60 m ³ or ≤20 trees)
Solid waste disposal facility within municipal boundaries	Type A water licence	Type B water licence	No water licence required	N/A
Other types of Industrial, Agricultural, Conservation, Recreational or Miscellaneous undertakings² for which a water licence is required	N/A	N/A	Type A or B water licence	N/A

Type of Development	WMMP Required?			
	'Always'	'Likely'	'Might'	'Likely Not'
Developments listed in the <i>Mackenzie Valley Resource Management Act (MVRMA)</i> Exemption List Regulations	N/A	N/A	N/A	✓
Activities that are not developments as that term is defined in the IFA and developments or activities that are listed in the Exclusion List found in section 3.2.4 and Appendix C of the EISC guidelines	N/A	N/A	N/A	✓
Developments or activities that would only require a Type B land use permit under the Mackenzie Valley Land Use Regulations or a Class B permit under the Territorial Land Use Regulations	N/A	N/A	N/A	✓
Developments within municipal boundaries (excluding landfills)	N/A	N/A	N/A	✓
Remediation Projects	N/A	Type A water licence	Type B water licence	N/A

¹ "N/A" means this category will never apply to this type/size of development.

² Refer to the *Northwest Territories Water Regulations* Schedule II for definitions of these types of undertakings.

3.2 Basic principles for assessment of impacts to wildlife and habitat

Section 95(1) uses the qualifiers "significant(ly)," "substantial" and "serious" to determine whether impacts of a development on wildlife or habitat would trigger the requirement for a WMMP.

In assessing whether impacts of a development would meet these criteria, GNWT will use both scientific and traditional knowledge (TK), where available, to apply the following biological principles:

- Risk is proportional to the population size of a potentially affected species. Smaller populations are already at greater risk of extirpation or extinction.
- Risk depends on the resilience of the species or habitat to change. For example, species that have low reproductive output or delayed sexual maturity may be slower to recover from impacts that would reduce their abundance.

- At the Minister's discretion, assessments will be made at a species, subspecies, distinct population²⁶, herd or local population level, as appropriate. For example, assessment of impacts of a development on barren-ground caribou will be made for each affected herd.
- A development that affects, or is likely to affect, a small number of individuals would usually not be likely to have an impact on the population as a whole. A development that impacts only a small proportion of individuals within a population is unlikely to influence the trend (i.e. increasing, stable or decreasing) or health of the entire population.
- When a population is small in numbers nationally or territorially, or its distribution or habitat is restricted or fragmented within the NWT, or if the habitat has particular importance for the population, the development is more likely to cause a negative impact that could be significant, substantial or serious.
- A development is more likely to have a significant, substantial or serious impact on a species that is considered to be at risk nationally or territorially. An impact is more likely to be significant, substantial or serious when it is irreversible or long-term, occurs at a time or location where wildlife congregate in large numbers, affects a rare or limiting habitat feature or resource used by the species, or affects a species that is already subject to harvest restrictions due to conservation concerns.
- An impact is more likely to be significant, substantial or serious if it is important enough with respect to its context or intensity to have a negative effect on the survival or reproduction of the appropriate population unit of the wildlife species of concern.

3.2.1 Criteria considered by the Minister to determine when a WMMP is required

A WMMP may be required if the Minister is satisfied that a development or proposed development is 'likely' to meet any of the criteria outlined in section 95(1) (a-d) of the *Wildlife Act*. When evaluating these criteria, the Minister will take into consideration aspects of the development, such as the chosen location, design, methodology or timing to avoid or prevent impacts to wildlife and habitat from occurring.

²⁶ A "distinct population" means a geographically or biologically distinct population of a species, or a distinct population identified by the Conference of Management Authorities under section 26(2) of the *Species at Risk (NWT) Act*. Further information on the criteria for defining a distinct population can be found at: www.nwt-species-at-risk.ca/LegislationPrograms.

If the development entails unavoidable impacts to wildlife and habitat, the Minister will evaluate whether the impacts would meet the tests under section 95(1) (a-d) prior to application of other types of mitigation to minimize or rectify these impacts. If a developer has proposed mitigation measures that would minimize or rectify the unavoidable impacts to the point where the tests under section 95(1) (a-d) would no longer be met, the Minister will require a WMMP that includes those mitigation measures to make them mandatory and enforceable under the *Wildlife Act*.

It is therefore important to note that when the Minister is of the opinion that a development is likely to result in 'significant disturbance' or 'significantly contribute to cumulative impacts' for the purpose of requiring a WMMP under Section 95 of the *Wildlife Act*, this decision is distinct from any determination the Minister, the GNWT, a land and water board, the EISC, EIRB, MVRB, or any other body with the authority to refer a project to environmental assessment or environmental impact review, may make on the potential or likely significance of adverse residual environmental impacts under either the MVRMA, the IFA or the *Canadian Environmental Assessment Act, 2012*.

A) Section 95(1) (a): “Result in a significant disturbance to big game or other prescribed wildlife”

Definition/Interpretation

- “Disturbance” is defined as any sensory stimulus resulting from a development such as noise, light, vibrations or human presence that would elicit a response in big game or other prescribed wildlife that is likely to result in physiological stress, avoidance of key habitat, or loss of reproductive fitness (e.g. nest or den abandonment, miscarriage).

Application

- Applies to big game species or other prescribed wildlife (see *WMMP Acronyms and Definitions*).

In deciding whether a disturbance is significant, the Minister of ENR will consider the following types of questions:

- Will the development occur during a seasonally critical life stage (e.g. breeding, rearing, migration, etc.) and in an area where that critical life stage occurs (such as calving or post-calving grounds, an active den, nest or hibernaculum, etc.)?
- Does the development occur near a key habitat site during a time at which large numbers of individuals congregate?

- Could the disturbance from the development alter the behaviour or movements of a large number of individuals over a broad area or long period of time?
- Could the disturbance from the development cause avoidance of a large area of otherwise suitable habitat? If so, does the amount of effective habitat loss exceed a threshold or compromise meeting goals or targets identified in a management plan or recovery strategy for the species (e.g. national recovery strategy and range plans for boreal caribou)?
- Could the disturbance from the development compromise the ability of a large number of individuals of an applicable species to carry out all or part of their normal life processes for one season or year, whichever is less? Life processes include feeding or foraging, breeding, rutting/mating, denning, overwintering, rearing young, dispersal or migration, or avoidance of predators.
- Does the disturbance occur within the range of an applicable species that has a restricted or fragmented distribution within the NWT and at a location that is known to be occupied by the species or is within habitat known to be suitable for the species?
- Does the development have the potential to cause a disturbance that would displace applicable wildlife species from an area that is relied upon for the harvest of the species?

B) Section 95(1) (b): “Substantially alter, damage or destroy habitat”

Definitions/Interpretation

- “Habitat” means the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.
- “Substantially alter” means to cause a change to the structure, composition and/or function of wildlife habitat that is large enough that it would no longer support a similar community of wildlife species.
- “Damage” means to degrade the quality of the habitat to a point where it no longer supports one or more life processes for wildlife previously supported in that habitat. Life processes include feeding or foraging, breeding, rutting/mating,

denning, overwintering, rearing young, dispersal or migration, or avoidance of predators.

- “Destroy” means to cause a change to wildlife habitat which permanently and completely eliminates wildlife’s ability to use area for one or more of its life processes. For the purpose of these guidelines permanent means the change to wildlife habitat cannot be reversed and restoration is unlikely.

Application

- Applies to all wildlife and habitat as those terms are defined in Part 1 of the *Wildlife Act* (see *WMMP Acronyms and Definitions*).

In deciding whether substantial alteration, damage or destruction of habitat is sufficient to require a WMMP, the Minister of ENR will consider the following types of questions:

- What is the extent of habitat that is being affected relative to the availability of suitable habitat for a species within its NWT range?
- Is the affected habitat within the range of a species that has a limited or fragmented distribution in the NWT?
- Is the affected habitat rare or does the availability of that habitat type limit the growth of the population? Habitat that could meet this criteria include calving grounds, lambing areas, mineral licks, rutting areas, water crossings, breeding colonies, hibernacula, staging areas and rare denning/nesting habitat.
- Is the affected habitat “critical habitat” or “designated habitat” as defined in the federal and NWT species at risk legislation for a federally or territorially assessed (pre-listed) or listed species at risk that is under the management authority of the GNWT?
- Would the development alter, damage or destroy an area of habitat that is large enough to exceed a threshold or compromise meeting goals or targets identified in a management plan or recovery strategy (e.g. national recovery strategy and range plans for boreal caribou or barren-ground caribou herds)?
- Would the development alter habitat in such a way as to create physical barriers or semi-permeable barriers to wildlife movement along frequently used travel or migration corridors used by a large number of wildlife?

- Would the extent of habitat alteration, damage or destruction be sufficient to adversely affect the productivity of an area that is relied upon by a harvested species?

Examples of types of activities and infrastructure that may substantially alter, damage or destroy habitat:

- Clearing of vegetation or stripping of soils
- Removing overburden, trenching or excavation
- Blasting
- Drainage of areas of lakes, ponds or wetlands
- Flooding areas of terrestrial habitat
- Roads, above-ground pipelines and other linear developments (e.g. seismic exploration) that could create barriers to animal movement
- Dust or other particulate emissions leading to reduction in habitat quality or contamination of forage for wildlife

C) Section 95(1) (c): “Pose a threat of serious harm to wildlife or habitat”

Definition/Interpretation

- A “threat of serious harm” is interpreted to mean any action or activity resulting in a risk of incidental injury or mortality of wildlife, or of incidental alteration, damage or destruction of habitat where the consequences would be significant were such an event to occur one or more times.

Application

- Applies to all wildlife and habitat as those terms are defined in Part 1 of the *Wildlife Act* (see *WMMP Acronyms and Definitions*).

In deciding whether a development or activity is likely to pose a threat of serious harm to wildlife or habitat, the Minister of ENR will consider the following types of questions:

- Does the development pose a risk of collision mortality to a large number of wildlife due to vehicular traffic?

- Will the development increase the risk of mortality or injury of wildlife due to improved access for harvesters?
- Does the development involve the construction of physical features or structures that might cause entrapment, entanglement, electrocution or collisions with wildlife leading to injury or death (e.g. fences, open pits, netting, tailings ponds, tall structures or overhead wires)?
- Will the development or activity attract wildlife to the area, or cause changes to habitat that attract wildlife, in turn leading to a higher likelihood for defence of life and property kills or injury/mortality of wildlife?
- Is there potential for the release or spills of contaminants or toxic substances that would damage or destroy habitat or pose a risk of injury or mortality to wildlife (e.g. ruptured pipeline, breach of tailings pond or well blow-out)?
- Is there potential for the development or activity to trigger a natural disturbance such as a fire or landslide that could damage or destroy habitat or pose a risk of injury or mortality to wildlife?
- Is there potential for the development to facilitate the introduction or spread of invasive species or the expansion of species that may be an ecological or disease risk for NWT wildlife?

NOTE: Where (c) is the only criterion triggered in determining whether a WMMP is required, alternate plans (e.g. spill contingency plans, emergency response plans, waste management plans, etc.) may be accepted as per *Wildlife Act* section 95(3), provided they explicitly address how wildlife and habitat will be addressed should an event occur that poses a serious threat of harm to wildlife or habitat.

D) Section 95(1) (d): “Significantly contribute to cumulative impacts on a large number of big game or other prescribed wildlife, or on habitat”

Definition/Interpretation

- “Cumulative impacts” mean changes to a valued ecosystem component (e.g. a large number of big game or other prescribed wildlife, or habitat) caused by multiple interactions among human activities and natural processes that accumulate across

space and time²⁷. For the purpose of these guidelines, only negative cumulative impacts are considered.

- “Contribute” means an increase in a negative impact over and above existing impacts from other past, present or future human actions and natural stressors.

Application

- Applies to big game species or other prescribed wildlife (see *WMMP Acronyms and Definitions*).
- The test is not whether cumulative impacts are significant but whether a development’s contribution to cumulative impacts is significant.
- Where wildlife species have transboundary annual ranges, the Minister will also consider past, present and reasonably foreseeable projects within those portions of ranges that occur in other jurisdictions.

In deciding whether a development’s contribution to cumulative impacts is likely to be significant, the Minister of ENR will consider any or all of the following questions:

- Does the development in combination with other past, present or reasonably foreseeable developments or processes:
 - a) Contribute to negative population-level impacts on an applicable wildlife species, particularly if that species is already subject to harvest restrictions and/or is already experiencing population declines that are of conservation concern?
 - b) Increase the direct footprint of habitat disturbance from development or the zone of influence around human made features, particularly within the range of a wildlife species for which habitat loss is considered to be a factor in its population decline within the NWT?
 - c) Increase the length or density of linear features (e.g. seismic lines) to a point that approaches an identified threshold or limit?
 - d) Increase volumes of vehicular traffic on existing roads or create new roads that could lead to a potential increase in levels of mortality from vehicle collisions to a point where they would be a conservation concern?
 - e) Create or improve access into formerly roadless or inaccessible areas leading to potential increase in predation, competition with other species, wildlife harvesting, recreational land use or further development activity?

²⁷ Adapted from [CCME](#) definition of cumulative effects.

- f) Cause a population or habitat disturbance threshold identified in a management plan to be exceeded or risk compromising the ability to reach a target specified in such a plan?

3.3 Application of WMMP requirements to existing developments

This section clarifies how WMMP requirements may be applied to active projects that currently have permits and licences and to projects that have already undergone EA but had not received permits at the time of WMMP regulations coming into force.

When a developer is renewing permits or licences or seeking amendments to permits or licences, the development may be screened against the criteria for requiring a WMMP in section 95(1) if it is a type of development that is 'always' or 'likely' to require a WMMP as per [Section 3.1](#) of these guidelines. This also applies to permits and licences subject to screening requirement exemptions under section 157.1 of the [MVRMA](#) that come up for renewal or amendment.

The Minister will use comments made by reviewing parties regarding impacts to wildlife and wildlife habitat in determining whether a WMMP is required if none has previously been required. Parties will be notified that their comments will be considered in making this determination in the notification letter provided by the applicable land and water board.

If the Minister determines a WMMP is required and the developer already has a plan or plans that together may satisfy the content requirement in section 95(2), the Minister may accept those other plans as per section 95(3) of the *Wildlife Act*, which states:

"If a developer or other person or body that is required to prepare a wildlife management and monitoring plan has, for a body under other legislation, prepared a plan that deals to the Minister's satisfaction with part or all of the matters referred to in subsection (2), the Minister may accept that plan, or part of it, in place of part or all of the requirements under subsection (2)."

If it is determined that a WMMP is required and if there is no existing plan that satisfies the content requirements of section 95(2) or the Minister is not satisfied that the existing plans meet the requirements, the developer will be notified of the steps required to develop a plan that is in conformity with the Act and guidelines.

BEST PRACTICE

Notwithstanding section 95(3) of the *Wildlife Act*, GNWT recommends developers consolidate all mitigation and monitoring measures relevant to wildlife and wildlife habitat into a stand-alone WMMP. This will facilitate communication on these aspects of a development to project staff, regulators and other relevant parties and improve compliance.

3.4 Application of WMMP requirements to remediation projects

Remediation projects are viewed as ultimately beneficial to wildlife and wildlife habitat, because these projects aim to remove, destroy, contain or reduce contaminants that pose a threat to the environment²⁸. When screening remediation projects against criteria for requiring a WMMP, the focus will be on impacts associated with the remediation activities, not the existing impacts already associated with the original land use or disturbance.

4.0 PROCESS FOR SUBMISSION, REVIEW AND APPROVAL

4.1 General process

If the Minister of ENR determines that a WMMP is required for a development, the WMMP will have to meet certain content requirements and be approved by the Minister. The requirement for a WMMP and its approval by the Minister is legislatively independent of the established regulatory processes outlined in the MVRMA and the IFA. However, those processes provide a convenient and relevant framework to fulfill some of the procedural aspects of preparing a WMMP.

During the regulatory process and EA/EIR, developers are required to assess the potential impacts of their development on wildlife and wildlife habitat and to identify mitigation measures to avoid or minimize these potential impacts. The process that has been developed for submission, review and approval of WMMPs seeks to provide developers with the opportunity to have their draft WMMPs reviewed during existing board-run public review processes.

²⁸ See: mvlwb.com/sites/default/files/documents/Environmental-Guideline-for-Contaminated-Site-Remediation.pdf

In most cases, the Minister will use the project description submitted by a developer with an application for an authorization to a land and water board (LWB) or the EISC, as well as comments made by reviewers during the public review phase of a project screening, to make a determination of whether an approved WMMP is required. By providing a draft Tier 1 WMMP with an application for an authorization, developers give parties the opportunity to review the WMMP as part of these processes. If the Minister determines an approved WMMP is required, this should result in a shorter timeline for approval of the WMMP following conclusion of these processes than if a Tier 1 WMMP was not submitted with an application for an authorization.

Following the public review associated with the LWB or EISC screening process, if the Minister determines that a WMMP is required and no draft WMMP was provided for review during that process, ENR will carry out its own process for public review of the WMMP following conclusion of the screening process. This is likely to result in longer timelines.

Therefore, to improve the efficiency of the review and approval of the draft WMMP, developers should submit a Tier 1 WMMP with their applications so it can be reviewed during the LWB or EISC public review phase associated with a project screening. If a WMMP is submitted with an application for an authorization but the Minister determines an approved WMMP is not required as per s. 95(1) of the Act developers are nonetheless encouraged to follow their submitted WMMP as a best practice.

If the development is referred to EA or EIR, the process of WMMP review will occur throughout the EA/EIR and the subsequent permitting and licensing phase as described in [Sections 4.2.2](#) and [4.3.2](#) of this document.

BEST PRACTICE

While a WMMP will usually be approved by the Minister of ENR after authorizations for a development are issued, developers are encouraged to provide a basic (Tier 1) WMMP early in the regulatory process, unless their development is exempt from the requirement as per [Section 3.1.4](#) of this document. A WMMP will assist regulatory screeners to determine the potential significance of residual impacts after mitigation has been applied and provide reviewers, regulators or affected parties with an opportunity to comment on the content of the plan. Submission of a WMMP with an application for an authorization may also help avoid having a development referred to EA or EIR if it demonstrates that potential impacts have been identified and will be adequately mitigated and monitored.

The following sections provide an overview of the main steps involved in the preparation, submission, review and approval of a WMMP. The details and timing of these steps may vary depending on where in the NWT the development is proposed; however, the approach is similar in the Mackenzie Valley and the ISR.

[Appendix 1](#) contains graphical representations of these processes in the Mackenzie Valley and the ISR. These processes are intended to represent the ideal situation in terms of timing and integration of steps in the review and approval of WMMPs during other regulatory review processes, although the process may vary on a case-by-case basis. The process and timelines may also be modified in the case of inter-jurisdictional reviews or transboundary projects requiring coordination of several governments or regulatory agencies, or where issues of potential infringement on Aboriginal or treaty rights arise ([See Section 4.5](#)).

Similarly, in rare cases where a development would be exempt from a screening or preliminary screening but ENR determines a WMMP is required, ENR would hold its own public review process and would approach the relevant LWB or EISC for an appropriate distribution list for the public review. In such cases, ENR will notify all parties involved of any changes to the process or timelines as they pertain to WMMPs.

BEST PRACTICE

- Developers should engage early on with affected communities and Indigenous governments and organizations (IGOs) to identify potential impacts to wildlife and wildlife habitat. Developers are encouraged to follow [MVLWB Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#) in the Mackenzie Valley or Section 4.2 of the [EIS Guidelines](#) in the ISR when planning engagement for their project.
- Developers should [contact ENR](#) early in the process and complete a WMMP screening questionnaire (available on the [ENR website](#)) to determine if a WMMP will likely be required for the project.
- Developers should submit a basic (Tier 1) WMMP with their application for authorizations (Development Description in the ISR) so it can be reviewed during the preliminary screening. This is most important if the development falls into the “always” or “likely” category identified in Table 1.
- If a developer chooses not to submit a WMMP with their application for authorizations, they should time their applications to allow for a 30 calendar day public review of a WMMP following the screening or permitting process to ensure that they do not run the risk of operating without an approved WMMP in place, if one is required.

4.2 In the Mackenzie Valley

In the Mackenzie Valley, the regulatory review process is established through the MVRMA. The LWBs conduct the preliminary screening as well as the permitting and licensing processes. If the development is referred for further review following the preliminary screening, the Mackenzie Valley Review Board conducts the environmental assessment (EA) or environmental impact review (EIR). If the development is approved, it then goes back to the Land and Water Board (LWB) for permitting and/or licensing.

4.2.1 Preliminary screening conducted by Land and Water Boards

- Usually, the Minister will determine if a WMMP is required following the conclusion of the public comment phase associated with preliminary screening.
- In determining if a WMMP is required, the Minister will use comments regarding a development's potential impacts to wildlife and wildlife habitat made during the LWB's public comment period associated with the preliminary screening of that development. Interested and affected parties, including Indigenous governments and organizations (IGOs) and applicable renewable resources boards, will be informed that their comments will be considered by the Minister in making this determination in the request for notification provided by the applicable LWB.
- Following the public comment period, ENR will notify the developer as to whether an approved WMMP is required and the reasons why. In the case where the developer is the GNWT, ENR will notify the proponent GNWT department or division. ENR will post the decision letter to the public registry of the relevant LWB.
- **If a WMMP was provided** with the application for authorization(s) and it is determined that an approved WMMP is required, ENR will consider comments made by other parties in the LWB's public comment period in determining the changes to the WMMP that may be required before it can be approved.
- **If no WMMP was provided** with the application for authorization(s) and the Minister determines that one is required, the developer will submit a draft WMMP to ENR following conclusion of the preliminary screening. Upon receipt of a draft WMMP, ENR will initiate a 30 calendar day public comment period. This will include a letter notifying the relevant LWB and reviewing parties requesting their review of the draft WMMP. However, if the development is referred to EA, a draft WMMP should be submitted with the Developer's Assessment Report (DAR) or Environmental Impact Statement (EIS) (See [Section 4.2.2](#)).

- Based on ENR’s review and the comments received from other parties, ENR will notify the developer of required revisions to the WMMP before its approval. The notification will also be posted to the relevant LWB public registry.
- The public review of the WMMP, whether prior to the LWBs preliminary screening decision (if the developer provided a draft WMMP with its application) or after the preliminary screening decision (if the developer did not provide a draft WMMP with their application) is also an opportunity for affected parties and IGOs to raise any potential concerns about infringement on Aboriginal or treaty rights related to mitigation and monitoring measures proposed in the WMMP.
- The developer will respond to comments on the WMMP from parties and ENR, update the WMMP accordingly and provide a final draft WMMP to ENR for approval. The final draft should also be submitted to the relevant LWB’s public registry.
- Upon receipt of the final draft WMMP, the Minister will evaluate whether the required revisions have been made and will provide a written notice of approval, provisional approval or rejection of the WMMP within 30 calendar days. Upon approval, the final draft WMMP becomes the final WMMP. The decision notice, along with the approved version of the WMMP, will be posted to the public registry. Timelines in the event of provisional approval will depend on the nature of the conditions and discussion with the developer.

4.2.2 Environmental assessments or environmental impact reviews

- Once a development has been referred to EA/EIR, ENR will use the EA/EIR process and the subsequent permitting and licensing process to further understand the parties’ views on the nature of the impacts to wildlife and wildlife habitat. Approval of the WMMP will take place concurrent with, or in some cases following, the post-EA/EIR permitting and licensing process run by the relevant LWB.
- These processes are an opportunity for affected parties and IGOs to raise any potential concerns about infringement on Aboriginal or treaty rights related to mitigation and monitoring measures proposed in the WMMP.
- During the scoping phase of the EA/ EIR, ENR will recommend to the MVRB that the terms of reference for the development require submission of a draft WMMP with the DAR.

BEST PRACTICE

Developers that submit a draft WMMP with their authorization application for a development that is later referred to EA should be prepared to provide an updated WMMP during the EA 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 information requests and technical sessions and prior to the deadline for written submissions. The updated WMMP should include new commitments, additional mitigation efforts and more detail on the wildlife effects monitoring programs beyond the initial proposal that the developer has introduced in the EA to assist reviewers in assessing the significance of the residual impacts of their development.

- Following the EA/EIR, the developer should submit a revised draft WMMP along with their updated project description package to the appropriate LWB. The revised draft WMMP should address any measures, recommendations and commitments related to wildlife and habitat identified during the EA/EIR.
- During permitting and licensing, the LWB will notify the parties to the proceedings that the Minister will consider their comments regarding the revised WMMP during the public review period including, if applicable, any technical sessions and public hearings associated with the permitting and licensing process. ENR will also submit comments on the revised draft WMMP to the LWB registry during the public review period.
- Following the public review period, ENR will evaluate the WMMP against the commitments, recommendations and measures identified in the EA/EIR, as well as reviewer comments. ENR will provide a list of required revisions to the developer within 30 days of the conclusion of the public review period of the permitting process.
- The developer will respond to comments on the WMMP from parties and ENR, update the WMMP accordingly and provide a final draft WMMP to ENR for approval. The final draft should also be submitted to the relevant LWB's public registry.
- Upon receipt of the final draft WMMP, ENR will provide written notice of approval, provisional 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 posted on the applicable LWB public registry. Timelines in the event of provisional approval will depend on the nature of the conditions and discussion with the developer.

- In the case where the developer is the GNWT and the development under consideration is located in Wek'èezhì, GNWT will submit the final WMMP to the Wek'èezhì Renewable Resources Board for review as a management proposal as per sections 12.5.1 and 12.5.4 the Tłı̨chǫ Agreement.

4.3. In the Inuvialuit Settlement Region

The environmental assessment process in the Inuvialuit Settlement Region (ISR) is established by the Inuvialuit Final Agreement (IFA) and consists of the Environmental Impact Screening Committee (EISC), which conducts environmental screenings of proposed developments, and the Environmental Impact Review Board (EIRB) which conducts environmental impact review (EIR) for projects that are referred to further review. If a project is approved following an EIR, the project then goes on to licensing and permitting with the relevant authorities.

4.3.1 Environmental screenings conducted by the Environmental Impact Screening Committee

- Usually, the Minister will determine if a WMMP is required following an environmental screening.
- The Minister will use the developer's project description, information requests, information request responses, and written submissions made by parties to the proceedings regarding impacts to wildlife and wildlife habitat in determining whether a WMMP is required. Parties will be notified that their comments will be considered in making this determination in the Notice of Proceeding letter provided by the EISC.
- Following the conclusion of an environmental screening, ENR will notify the developer as to whether an approved WMMP is required and the reasons why. In the case that the developer is the GNWT, ENR will notify the proponent GNWT department or division. ENR will post the decision letter to the EISC registry.
- **If a WMMP was** provided during the environmental screening, and the Minister determines that one is required, ENR will use information requests, information request responses, and written submissions made by parties to the proceedings in identifying the changes to the WMMP that will be required before it can be approved.
- **If no WMMP was provided** during the environmental screening, and the Minister determines that one is required, the developer should submit a draft WMMP to ENR following conclusion of the environmental screening. However, if the development is

referred to EIR, the draft WMMP, or a revised draft WMMP, should be submitted with the environmental impact statement (See [Section 4.3.2](#)). Upon receipt of a draft WMMP, ENR will initiate a 30 calendar day public comment period. This will include issuing a notification to the EISC and reviewing parties requesting their review of the draft WMMP.

- Based on ENR's review, and the comments received from other parties, ENR will notify the developer of required revisions to the WMMP before its approval. This notification will be posted on the relevant permitting authority's registry, if the notification is issued after the EISC registry is closed.
- The environmental screening process, and ENR-initiated public comment period on the WMMP, if required, is also an opportunity for affected parties and IGOs to raise any potential concerns about infringement of Aboriginal and/or Treaty rights related to mitigation and monitoring measures proposed in the WMMP.
- The developer will respond to comments on the WMMP from parties and ENR, update the WMMP accordingly, and provide a final draft WMMP to ENR for approval.
- Upon receipt of the final draft WMMP, ENR will provide a written notice of approval, provisional 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 posted to the relevant registry. Timelines in the event of provisional approval will depend on the nature of the conditions and discussion with the developer.

4.3.2 Reviews conducted by the Environmental Impact Review Board

- ENR's approval of the WMMP will take place following the EIRB's process.
- During the external review of the draft Terms of Reference for the EIS, ENR will recommend to the EIRB that the Terms of Reference require submission of a draft WMMP with the EIS.
- ENR will use the EIRB's process to further understand parties' views on the nature of the impacts to wildlife and wildlife habitat. ENR will consider comments made on the draft WMMP by parties to the proceedings as part of the technical review process, information requests and public hearings. These processes are also an opportunity for affected parties and IGOs to raise any potential concerns about infringement of Aboriginal and/or Treaty rights related to mitigation and monitoring measures proposed in the WMMP.

- Following the EIR, the developer will submit a revised draft WMMP along with their updated project description to the relevant Competent Authority's ²⁹ public registry. The revised draft WMMP should address the terms and conditions, recommendations and commitments related to wildlife and habitat identified during the EIR.
- During permitting and licensing, the relevant Competent Authority will notify the parties to the proceedings, and the EIRB, that the Minister will consider their comments regarding the revised WMMP during the public review period including, if applicable, any technical sessions and public hearings associated with the permitting and licencing process. ENR will submit comments on the revised draft WMMP to the relevant registry during the public review period.
- Following the public review period, ENR will evaluate the WMMP against the commitments, recommendations and measures identified in the EA / EIR, as well as reviewer comments, and, if necessary, will provide a list of required revisions to the developer within 30 days of the conclusion of the public review period of the permitting or licencing process.
- The developer will respond to comments on the WMMP from parties and ENR, update the WMMP accordingly, and provide a final draft WMMP to ENR for approval.
- Upon receipt of the final draft WMMP, ENR will provide a written notice of approval, provisional 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 posted to the relevant registry. Timelines in the event of provisional approval will depend on the nature of the conditions and discussion with the developer.

4.4 Review and update of a WMMP

If a water licence is provided for a period that is longer than five years, the developer should review and update their WMMP every five years and re-submit it to ENR for approval.

If a land use permit is issued for a five year period (+2 year possible extension), the developer should review and update their WMMP and resubmit it to ENR for approval if there is a request for a renewal.

²⁹ Under the IFA, Competent Authorities may include the Inuvialuit Water Board, the Inuvialuit Land Administration, the GNWT Minister of Lands, or federal government department issuing a permit or licence required for the development.

If a new LUP/WL is required due to a change in project scope, an updated WMMP should be resubmitted with the application for review.

4.5 Consultation and approval of a WMMP

ENR relies on the procedural aspects of regulatory processes to help fulfil the Crown's duty to consult and will be assessing the adequacy of consultation and accommodations throughout the process leading up to the decision of whether to approve a WMMP.

Affected parties and IGOs are encouraged to use any of the public review periods outlined in [Section 4.0](#) of this document to raise concerns about potential impacts to Aboriginal and or treaty rights due to mitigation and monitoring measures proposed in the WMMP, whether prior to a screening decision, after a screening decision, during review phases of an EA/EIR or during licensing and permitting post-EA. However, affected parties and IGOs are not limited to these formal public review opportunities. After a public review period closes, potential concerns about Aboriginal or treaty rights related to mitigation and monitoring measures proposed in the WMMP may be raised at any time leading up to an approval decision by notifying the Minister.

In assessing concerns raised by affected parties and IGOs regarding the potential impact of a WMMP on Aboriginal and or treaty rights, ENR looks for clear identification of the right that is potentially affected, how any deficiency in the WMMP contributes to the concern and what modifications to the WMMP could address the concern.

If a potentially affected party or IGO raises concerns regarding Aboriginal and or treaty rights related to mitigation and monitoring measures proposed in the WMMP at any point in the process, the Minister will provide parties with 14 days to comment on a final WMMP submitted by a developer prior to making a decision to approve a WMMP in order to assess the adequacy of accommodation. In such cases, ENR will notify all parties involved of any changes to the process or timelines as they pertain to WMMPs.

5.0 WHAT GOES IN A WMMP?

5.1 Key components of a WMMP

5.1.1 Mitigation hierarchy

The GNWT encourages developers to design their mitigation strategies according to the mitigation hierarchy. In order of priority, mitigation approaches should progressively be designed to:

- 1) **Avoid:** Not undertaking certain activities or adjusting the location, design, methodology or timing of a development to prevent impacts from occurring should always be the first consideration.
- 2) **Minimize:** Actions that initially limit the magnitude of unavoidable impacts
- 3) **Rectify:** Actions to restore impacted wildlife or wildlife habitat or otherwise eliminate the unavoidable impacts of the development, with priority given to actions that rectify on-site impacts
- 4) **Offset:** Measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse impacts after the first three levels of mitigation are considered

5.1.2 Types of monitoring

This document distinguishes between three main types of monitoring. These types of monitoring could be carried out by the developer or by the developer in collaboration with a third party, such as through community-based or traditional monitoring programs:

- 1) **Mitigation monitoring** consists of regular surveys or inspections by project personnel to determine whether mitigation designs, procedures and equipment outlined in the WMMP are being implemented as planned and are functioning as intended. It also includes surveillance to document and report on the presence of wildlife on-site, risks to wildlife and human safety and other wildlife incidents (injury, mortality, wildlife-human interactions) that require a management response. For example, this could include monitoring to identify the presence of dens or bird nests in an area to identify the need to observe setback distances.

BEST PRACTICE

Mitigation monitoring is a basic level of monitoring recommended for all projects regardless of the need for a WMMP, and may be the only type of monitoring necessary for smaller developments such as some short-term mineral exploration programs.

This is a basic level of monitoring expected for all developments, regardless of the need for a WMMP, and may be the only type of monitoring required for smaller developments such as short-term mineral exploration programs. Action levels for this type of monitoring would largely be set by the developer based on operational experience, existing guidelines and input of affected and interested parties. The

response framework would likely be less formal than for wildlife effects monitoring and would be largely a matter of outlining potential corrective actions.

- 2) **Wildlife effects monitoring** consists of systematically tracking changes in indicators generally measured within the local study area (LSA) and regional study area (RSA) to quantify project-related effects on wildlife and wildlife habitat, test predictions made in environmental impact assessment (EIA) or test the effectiveness of mitigation measures. In developing effects monitoring programs, priority should be placed on areas of uncertainty with respect to potentially significant impacts and on obtaining data to inform management actions. Typically, this type of monitoring would involve a more rigorous, scientific approach than mitigation monitoring. Action levels for wildlife effects monitoring would largely be established during or following EIA or be based on guidelines, existing wildlife management plans, regulations or engagement.
- 3) **Regional-scale wildlife monitoring** is monitoring undertaken at a regional scale beyond the RSA, consistent with the scale of predicted impacts. Developers may be required to contribute to the collection of regional-scale monitoring data to understand the contribution of their project to cumulative effects. Monitoring may be undertaken by another party on the developer's behalf at a regional scale beyond the RSA in collaboration with other developers, governments, IGOs, renewable resource boards, communities or academics. This type of monitoring would generally be included in WMMPs for development projects that will make a significant contribution to cumulative impacts on wildlife or habitat. While individual developers would not normally be responsible for preparing response frameworks for collaborative regional monitoring programs in which they participate, they would be expected to follow guidelines or best practices developed based on the results of such programs.

5.1.2 Adaptive management

To be an effective management tool, a WMMP needs to be developed with consideration for the operational relationship between mitigation and monitoring. The Wek'èezhì Land and Water Board's (WLWB) final draft [*Guidelines for Adaptive Management, a Response Framework for Aquatic Effects Monitoring*](#) provides guidance for how to consider this relationship within the context of the NWT's regulatory structure.

Though tailored to aquatic effects, the general concepts in the WLWB's document can be applied to managing certain types of impacts on wildlife and wildlife habitat. Specifically, a response framework should be applied in situations where the appropriate action involves mitigation(s) that can be intensified or reduced in response to changing conditions, as

opposed to mitigations that involve a single, discreet action (e.g. project design feature, decision of where to locate roads etc.). This involves setting action levels which are predefined, project-specific levels of change in a monitored indicator identified within the WMMP that trigger an identified management response. Ideally, action levels should be set to provide early warning such that a management response is triggered prior to adverse impacts becoming unacceptable.

Examples of types of impacts that may be conducive to the development of response frameworks could include:

- Minimization of disturbance or barrier effects of a haul road by managing traffic levels according to numbers of wildlife present.
- Minimization of disturbance and habitat quality by intensifying application of dust suppression in response to monitored dust levels.
- Minimization of potential wildlife attraction by intensifying worker training education in response to identified levels of food-related waste in a landfill.

For some types of impacts it may not be feasible to identify pre-defined action levels along the whole spectrum of possible responses, and some impacts may be difficult to quantify or measure in such a way as to provide early warning of approaching unacceptable impacts. In these cases, it may be acceptable to set a low action level in advance and determine options for medium or high action levels if and when the low action level is reached.

5.2 Three tiers of WMMP

The content and complexity of a WMMP should be scaled to the size and type of development. The GNWT has identified three tiers of WMMP. A detailed breakdown of appropriate sections for each tier of WMMP is provided in [Appendix 2](#). An annotated Table of Contents for a full scale, comprehensive WMMP is provided on the [ENR website](#). If further guidance is necessary, please contact the [ENR Wildlife Division](#) or [regional ENR office](#).

If a development occurs within a management zone identified in an approved range plan or land use plan, there may be associated requirements identified through that plan or related operational plans that will need to be incorporated into the WMMP.

Tier 1: Basic WMMP

Tier 1 WMMPs will be required for developments that meet one or more of subsection 95(1) paragraphs(a-c), and for which the impacts are well understood and there is a relatively high degree of certainty that the proposed mitigations will be effective.

Developments that are not referred to environmental assessment (EA) will generally only require a Tier 1 WMMP.

Required content:

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

A suggested template for Tier 1 WMMPs is provided on the [ENR website](#).

Tier 2: Basic WMMP with effects monitoring

Tier 2 WMMPs will be required for developments that meet one or more of subsection 95(1) paragraphs(a-c), and for which the impacts are not well understood and/or there is a relatively low degree of certainty that the proposed mitigations will be effective.

Developments that are referred to EA due to concerns related to wildlife and wildlife habitat will generally require a Tier 2 WMMP.

Required content:

- a) A description of the impacts of the development on wildlife and wildlife habitat;
- b) A description of how those impacts will be mitigated;
- c) A description of mitigation monitoring; and
- d) A description of project-specific wildlife effects monitoring.

Sections appropriate for inclusion in a WMMP for Tier 2 projects are identified in [Appendix 2](#).

Tier 3: WMMP with contribution to cumulative impact initiatives

Tier 3 WMMPs may be appropriate for developments that meet one or more of subsection 95(1) paragraphs(a-c) **and** paragraph (d). The potential for contributions to cumulative effects monitoring, research, assessment or management are often discussed during an EA/EIR.

Required content:

- a) A description of the impacts of the development on wildlife and wildlife habitat;
- b) A description of how those impacts will be mitigated;
- c) A description of mitigation monitoring;
- d) A description of project-specific wildlife effects monitoring³⁰; and

³⁰ In limited circumstances where the impacts and mitigations are well understood but the contribution to cumulative impacts is significant, effects monitoring may not be required.

- e) A description of how the WMMP will contribute to regional-scale wildlife monitoring, and/or cumulative effects research, assessment or management.

5.2.1 Cumulative impacts

A WMMP can be used by developers and regulators alike for assessing, monitoring and managing cumulative impacts. As users of the land, developers can assist in efforts to address cumulative impacts in three ways:

- 1) Developers can **avoid, minimize, rectify or offset the impacts of their individual developments**, which in turn reduces the combined impact of multiple developments at a regional scale. Consideration of cumulative impacts allows developers to design mitigation programs that address impacts that at the project-scale may be minor, but when considered in combination with effects of other developments, may be substantial.

For example, when individual developers implement effective mitigations and report on what they learn through their WMMPs, this information can be incorporated into best practices and guidelines that can be applied to existing and future developments. In regions where cumulative impacts are a concern, inclusion of offsetting or enhanced mitigation approaches that can compensate for residual impacts of a development may need to be included in the WMMP.

- 2) Through **directed research, regional monitoring and mitigation programs**, it may be appropriate for some developers to contribute to the collective understanding of the impacts of development and other factors at a regional scale and to initiatives for managing those impacts.

For example, the GNWT may require developers to employ standardized protocols for monitoring certain big game or other prescribed wildlife or require an approach consistent with that used by other developers for these species to support regional assessment and management. Developers are encouraged to contact ENR to discuss potential collaborative regional monitoring projects or other research or monitoring opportunities that would help fulfill this requirement.

- 3) Developers that are required to submit a WMMP will also be required to **submit geospatial data and reporting on final footprint size** to contribute to the quantification of habitat disturbance on the land. Developers that are not required to submit a WMMP are also encouraged to submit geospatial data for their development, as all developments that leave a footprint on the landscape will contribute towards cumulative habitat disturbance.

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Developers are encouraged to submit geospatial data on the footprint of their development to the applicable land and water board or regulatory body. This information will contribute to maintaining accurate records of habitat disturbance on the land. Please consult the MVLWB's [Standards for Geographic Information Systems \(GIS\) Submissions](#) for further information. Guidelines for submissions can also be found here: slwb.com/sites/default/files/news/937/attachments/public-review-draft-standard-maps-and-gis-data-submission.pdf.

5.3 Reporting requirements

Requirements and schedules for submitting reports about implementation of the WMMP depend on the type of information that is being reported. Table 2 summarizes where certain types of data should be submitted.

5.3.1 Types of information

- **Wildlife Incidents:** All developers are expected to immediately report wildlife incidents (e.g. wildlife injury/mortality, use of deterrents, threats from wildlife to human safety or property) to ENR and other appropriate wildlife authorities (i.e. Environment and Climate Change Canada for migratory birds and federally managed species at risk). Reporting procedures should be outlined in SOPs for wildlife incidents.
- **Wildlife Sightings:** Developers are required to submit wildlife sighting data to ENR's Wildlife Management Information System (WMIS) on an annual basis at minimum. More frequent reporting may be required in specific cases, such as if concerns about impact magnitude, mitigation effectiveness or non-compliance to regulations arise. Data collected under other wildlife monitoring programs conducted as part of a WMMP shall be submitted to WMIS as well. Developers can indicate whether the data can be made publicly available, is only for use by the GNWT or if the developer should be contacted directly by users requesting the data. Contact WMISTeam@gov.nt.ca to discuss the best way to submit your data.
- **Spatial Data:** Developers for all types and sizes of project shall submit geospatial data files of their project footprint and report on annual changes and final footprint size to contribute to the understanding of disturbance on the land.

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GNWT highly recommends developers take explicit steps to share the results of monitoring conducted under the WMMP with affected parties, including IGOs and communities.

5.3.2 Types of reports

A **summary report** should include the results of mitigation monitoring, wildlife incidents, a discussion of the effectiveness of mitigation, lessons learned and unpredicted impacts, proposed changes to mitigation measures or monitoring protocols, and changes made to mitigation approaches or monitoring protocols during the reporting period. Status updates of larger effects monitoring programs, participation in regional monitoring, research or cumulative effects (CE) initiatives should be included where applicable.

Comprehensive reports will include more substantive analysis of effects monitoring programs and could include discussion of accuracy of predictions, success of mitigation measures, findings of special studies or research, new measures implemented through adaptive management and recommendations for the next monitoring cycle. Traditional knowledge studies that have been supported, collaborated upon or made available for the developer to share could be summarized, along with explanations of how the information has influenced mitigation.

While reporting requirements and protocol review for regional programs will typically be determined collaboratively by parties involved in these programs, inclusion of information on these programs can be included if it is available. Because of the level of detail in comprehensive reports, they will be required less frequently than summary reports, usually with a frequency of every two to five years. The schedule for submitting such reports will be determined on a case-by-case basis in collaboration with ENR and will depend on the specifics of the monitoring program and the type of information collected.

5.3.3 Frequency of reports

The frequency of reporting may vary on a case-by-case basis. In general:

- **Short-term developments** (≤ 5 yrs.) are expected to provide a summary WMMP report at closure. More frequent reporting may be required by GNWT if concerns about impact magnitude, mitigation effectiveness or non-compliance with wildlife regulations arise.
- **For long-term developments** (> 5 yrs.), an annual summary report is recommended unless otherwise specified. The WMMP should outline a schedule indicating the frequency with which summary reports and more detailed comprehensive reports will be required throughout the life of the development.

BEST PRACTICE

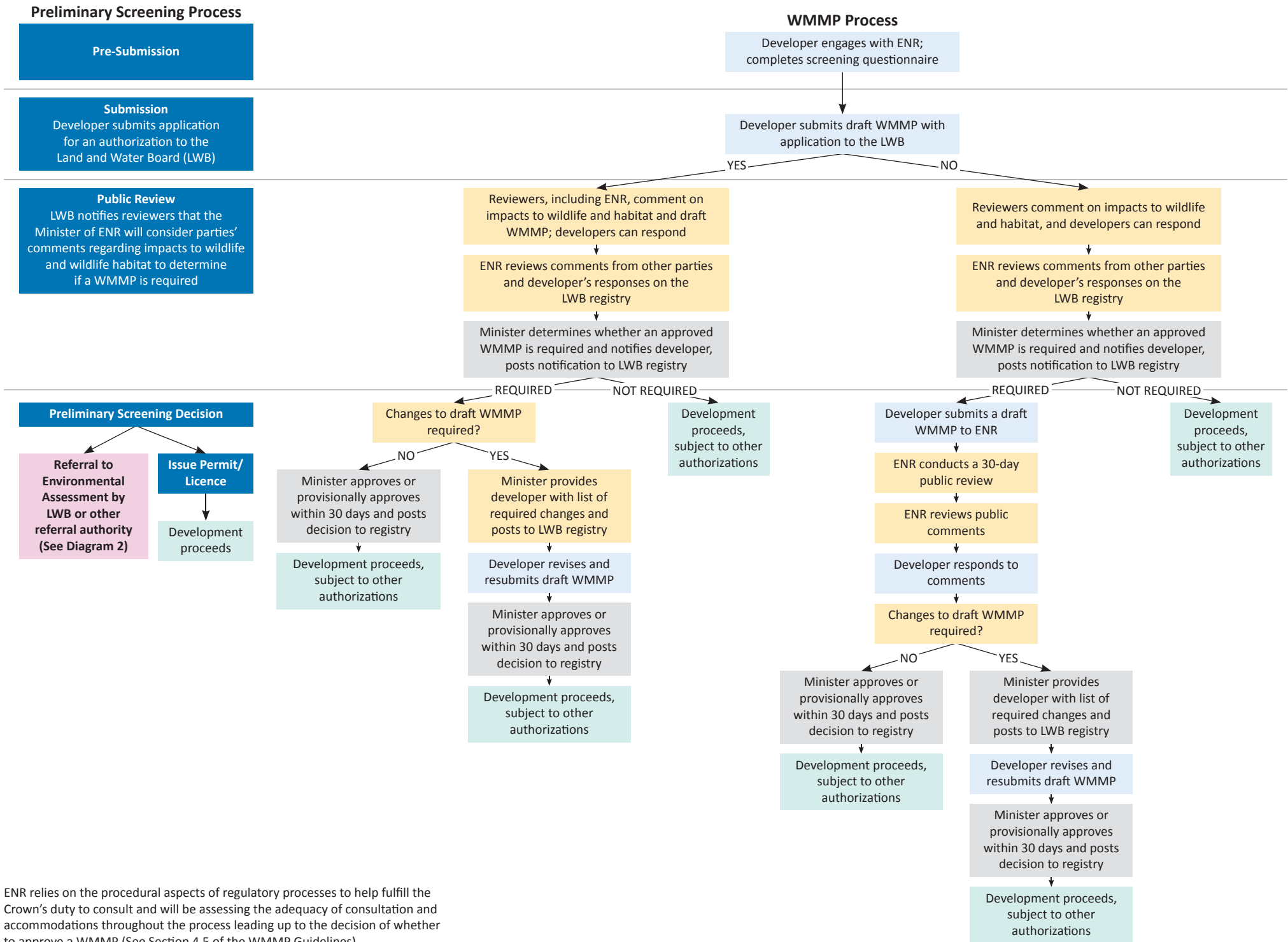
Developers are encouraged to submit their WMMP, monitoring data, and summary and comprehensive reports to the NWT Discovery Portal to ensure such information is publicly accessible and contributes to the broader body of NWT environmental monitoring knowledge. For more information about the NWT Discovery Portal, visit: nwtdiscoveryportal.enr.gov.nt.ca.

Table 2: Where to submit data and WMMP reports

Information Type	Where to submit	Timing/Frequency
Wildlife incidents	<ul style="list-style-type: none"> Regional ENR office 	Immediately
Wildlife sightings Monitoring data	<ul style="list-style-type: none"> ENR Wildlife Management Information System (WMIS) (WMISTeam@gov.nt.ca) 	Annually, at minimum
Summary Report	<ul style="list-style-type: none"> ENR Regional office ENR Wildlife Division (WMMP@gov.nt.ca) Land and Water Board Registry Renewable Resources Boards CIMP Discovery Portal 	<p>Short-term projects (≤ 5 yrs.) – at the end of the project</p> <p>Long-term projects (> 5 yrs.) - regular intervals to be defined on a project-specific basis</p>
Comprehensive Analysis Reports	<ul style="list-style-type: none"> ENR Regional office ENR Wildlife Division HQ Land and Water Board Registry Renewable Resources Boards CIMP Discovery Portal 	Determined on a project-by-project basis depending on the nature of the studies
Footprint	<ul style="list-style-type: none"> Land and Water Board Registry 	<p>Short-term projects (≤ 5 yrs.) – at the end of the project</p> <p>Long-term projects (> 5 yrs.) – on an annual basis</p>

APPENDIX 1: Process diagrams for submission, review and approval

Diagram 1. Preliminary Screening Process in the Mackenzie Valley



ENR relies on the procedural aspects of regulatory processes to help fulfill the Crown's duty to consult and will be assessing the adequacy of consultation and accommodations throughout the process leading up to the decision of whether to approve a WMMP (See Section 4.5 of the WMMP Guidelines).

Diagram 2. Environmental Assessment (EA) or Environmental Impact Review (EIR) and Post-EA/EIR Process in the Mackenzie Valley

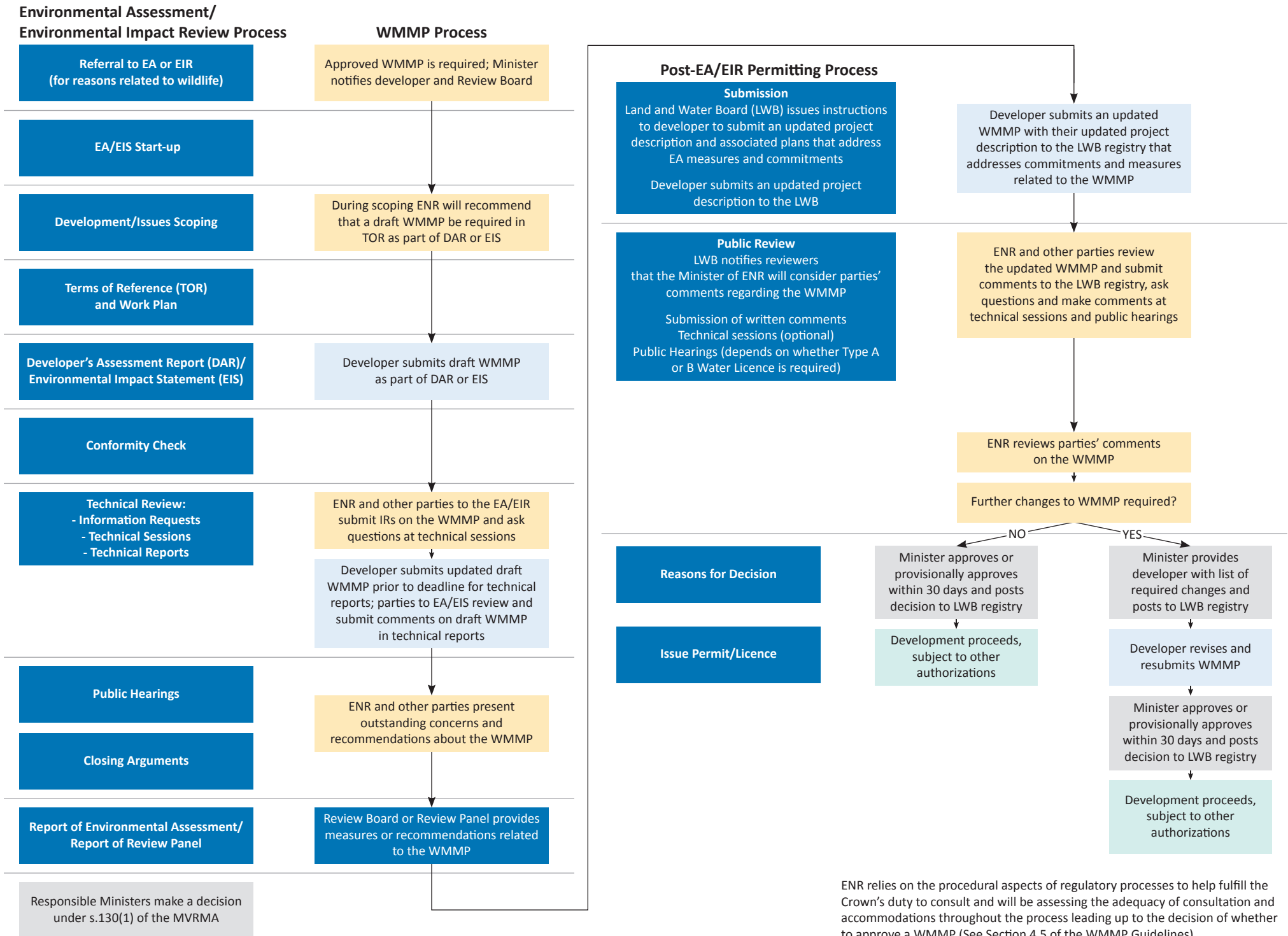
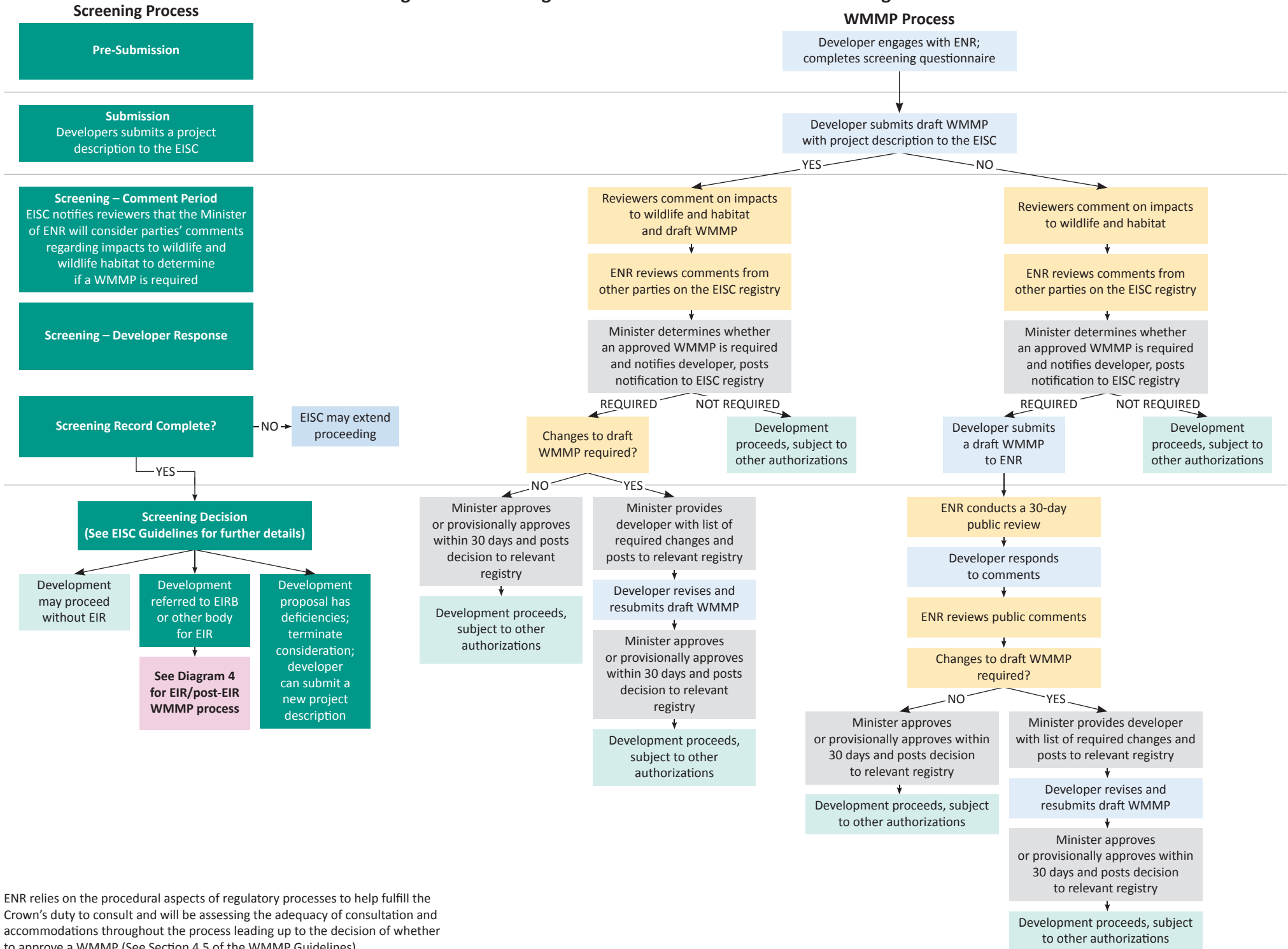
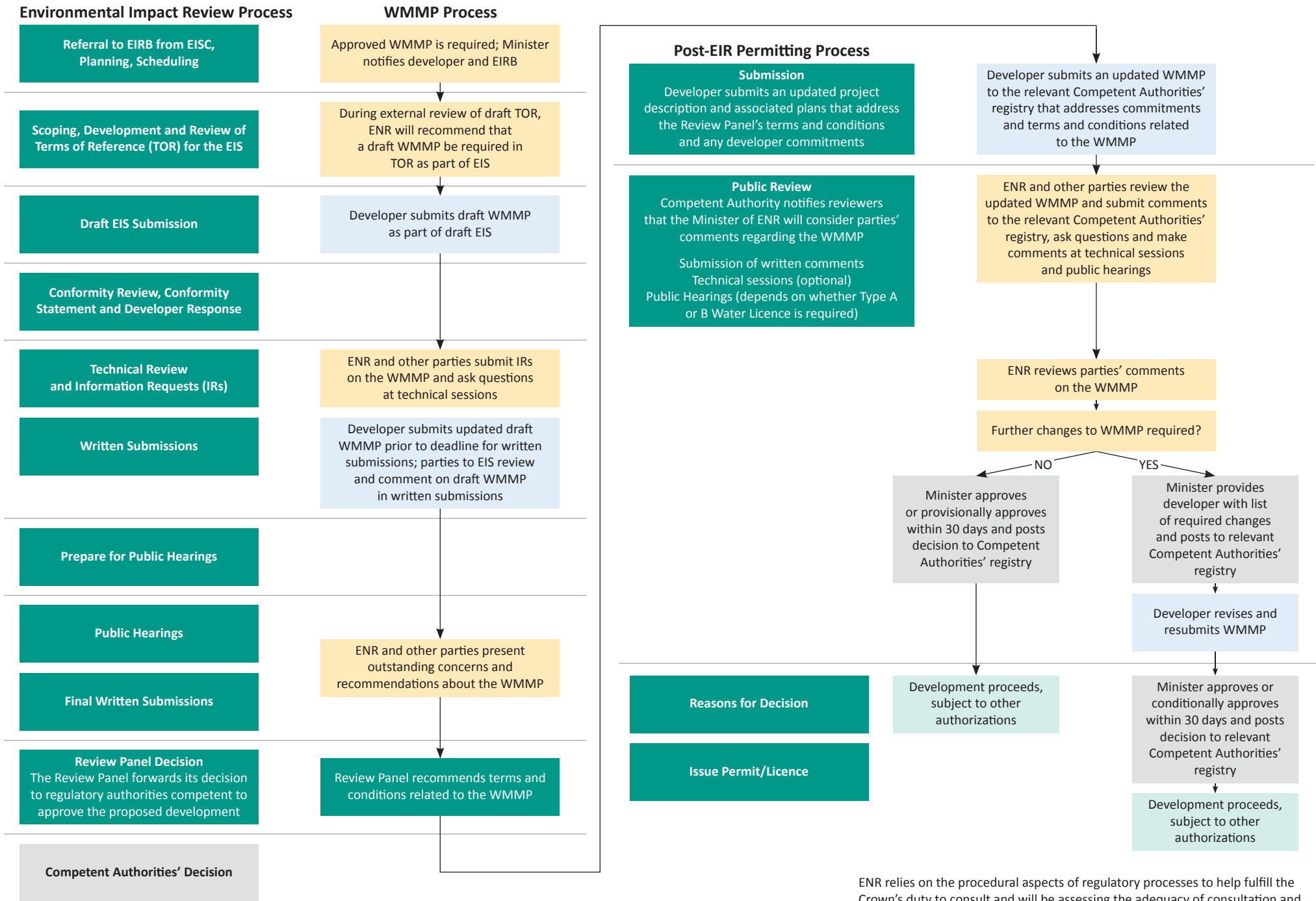


Diagram 3. Screening Process in the Inuvialuit Settlement Region



ENR relies on the procedural aspects of regulatory processes to help fulfill the Crown's duty to consult and will be assessing the adequacy of consultation and accommodations throughout the process leading up to the decision of whether to approve a WMMP (See Section 4.5 of the WMMP Guidelines).

Diagram 4. Environmental Impact Review (EIR) and Post-EIR Process in the Inuvialuit Settlement Region



ENR relies on the procedural aspects of regulatory processes to help fulfill the Crown's duty to consult and will be assessing the adequacy of consultation and accommodations throughout the process leading up to the decision of whether to approve a WMMP (See Section 4.5 of the WMMP Guidelines).

APPENDIX 2: Content to include in a WMMP

WMMP Section	Tier 1 WMMP	Tier 2 WMMP	Tier 3 WMMP	Include in WMMP at time of screening application?	Include in final WMMP for ENR approval?
1. Introduction		✓	✓		
1.1 Purpose and objectives of the WMMP		✓	✓	✓	✓
1.2 Measures, conditions and developer commitments concordance table		✓	✓		✓
1.3 Engagement	✓	✓	✓	✓	✓
1.4 Mention of associated operational or management plans	✓	✓	✓		✓
2. Project Description					
2.1 Project Description	✓	✓	✓	✓	✓
2.2 Project Map	✓	✓	✓	✓	✓
3. Potential Impacts					
3.1 Affected species or habitat features	✓	✓	✓	✓	✓
3.2 Potential impacts to wildlife and wildlife habitat	✓	✓	✓	✓	✓
4. Wildlife and Wildlife Habitat Mitigation	✓	✓	✓	✓	✓
4.1 Employee wildlife awareness education and training		✓	✓	✓	✓
4.2 Infrastructure design and camp layout for bear safety and/or to prevent denning, nesting and roosting	✓	✓	✓	✓	✓
4.3 Management of camp waste and other wildlife attractants	✓	✓	✓	✓	✓

WMMP Section	Tier 1 WMMP	Tier 2 WMMP	Tier 3 WMMP	Include in WMMP at time of screening application?	Include in final WMMP for ENR approval?
4.4 Timing restrictions and/or set back distances to protect wildlife and wildlife habitat features	✓	✓	✓	✓	✓
4.5 Direct habitat loss – minimizing the project’s physical footprint		✓	✓	✓	✓
4.6 Habitat alteration – minimizing physical manipulation of habitat that would decrease its value to wildlife		✓	✓	✓	✓
4.7 Indirect habitat loss – minimizing functional habitat loss due to sensory disturbance, dust, etc.		✓	✓	✓	✓
4.8 Management of hazards to wildlife (e.g. open pits, tailings ponds, roads, airstrips, spills)	✓	✓	✓	✓	✓
4.9 Wildlife deterrence procedures	✓	✓	✓	✓	✓
4.10 Habitat restoration		✓	✓	✓	✓
4.11 Description of the role of community wildlife monitors in implementing aspects of the plan	✓	✓	✓		✓
4.12 Offsetting or compensatory measures			(✓)		(✓)
5. Monitoring					

WMMP Section	Tier 1 WMMP	Tier 2 WMMP	Tier 3 WMMP	Include in WMMP at time of screening application?	Include in final WMMP for ENR approval?
5.1 Mitigation Monitoring	✓	✓	✓	✓	✓
5.2 Wildlife Effects Monitoring		✓	✓		✓
5.3 Project Footprint size reporting	✓	✓	✓	✓	✓
6. Support for cumulative effects assessment, monitoring or management			✓		✓
7. Adaptive Management		✓	✓		✓
7.1 Description of approach to adaptive management		✓	✓	✓	✓
7.2 Formal response frameworks with action levels		✓	✓	✓	✓
8. Reporting Protocols	✓	✓	✓	✓	✓
9. Roles and Responsibilities	✓	✓	✓	✓	✓
10. Literature Cited		✓	✓	✓	✓
11. Glossary		✓	✓		✓
12. Appendices					
12.1 SOPs		✓	✓		✓
12.2 Monitoring forms and data sheets	✓	✓	✓		✓
12.3 Reporting form templates	✓	✓	✓		✓
12.4 WMMP revisions tracking table		✓	✓	✓	✓