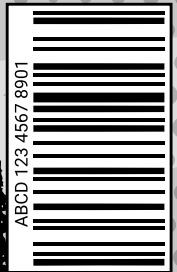


WHAT WE HEARD ON...

PUBLIC LAND ACT REGULATIONS

Development of Public Land Act Regulations
Engagement Summary Report



**YOU
SPOKE...**

WE HEARD!

Government of
Northwest Territories

HAVEYOURSAY-LANDS@GOV.NT.CA

**YOU
SPOKE**

**WE
HEARD**

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EXECUTIVE SUMMARY

The Department of Lands (Department) is developing regulations to bring the new *Public Land Act* (PLA) into force. The *Public Land Act* will replace the current *Commissioner's Land Act* and regulations and the *Northwest Territories Lands Act* and regulations. This initiative is part of a broader strategy to develop a modern and comprehensive legislative framework for land and natural resource management in the Northwest Territories (NWT).

This report summarizes the feedback the Department received during round 1 of public engagement on the development of the *Public Land Act* regulations. The Department obtained this input through an online engagement platform hosted on the Department's 'Have Your Say' webpage and through virtual meetings.

From December 10, 2020 to February 19, 2021, the Department sought feedback on issues with the current legislation, suggestions of what to consider in the new PLA regulations, and answers to specific questions regarding land pricing, tenure requirements, agriculture, quarry management and security requirements.

The Department received substantial input through the online engagement platform. Visitors shared many comments and questions about the current legislation and issues they would like the new regulations to address. A large majority of the online contributions came from recreational land users, including lessees, and industry representatives. This participation shaped the types of comments received. Approximately one-third of the comments were about lease pricing rates. Another third of comments were about either recreational land use and availability or better integration of the NWT's regulatory framework for land management.

Overall, participants expressed an interest in seeing land

administration rules that provide greater public clarity, transparency, and consistency for dispositions of public land.

The feedback presented in this report represents only one of several sources of information that will be considered in drafting the proposed regulations. Importantly, the Department will be engaging with Indigenous governments and organizations, community governments, and NWT land and resource management stakeholders throughout the regulations development process.

The Department will undertake a second round of public engagement on the proposed regulations in late 2021/early 2022.

SOMMAIRE

Le ministère de l'Administration des terres élabore des règlements pour permettre l'entrée en vigueur de nouvelle *Loi sur les terres publiques*. Cette nouvelle loi remplacera l'actuelle *Loi sur les terres domaniales* et ses règlements ainsi que l'actuelle *Loi sur les terres des Territoires du Nord-Ouest* et ses règlements. Ce projet fait partie d'une stratégie plus large pour établir un cadre législatif moderne et complet sur l'administration des terres publiques et des ressources naturelles aux Territoires du Nord-Ouest (TNO).

Le présent rapport résume les commentaires que le ministère a recueillis durant le premier échange avec le public sur l'élaboration des règlements de la *Loi sur les terres publiques*. Le ministère a recueilli les commentaires grâce à la plateforme d'échange avec le public en ligne qui est hébergée sur sa page Web « Exprimez-vous » et à la tenue de réunions virtuelles.

Du 10 décembre 2020 au 19 février 2021, le ministère visait à obtenir des commentaires sur les problèmes de la législation actuelle, des suggestions sur les éléments à prendre en compte dans les règlements de la nouvelle loi, et des réponses à des questions précises concernant les prix fonciers, les exigences prévues par les baux, l'agriculture, la gestion des carrières et les exigences liées à la sécurité.

Le ministère a recueilli un nombre substantiel de commentaires et de questions sur la plateforme en ligne concernant la nouvelle loi et les problèmes que les nouveaux règlements devraient régler. Ce sont des personnes qui utilisent les terres à des fins récréatives qui ont formulé la majorité des remarques en ligne, dont des preneurs à bail et des représentants de l'industrie. Les participants ont grandement influencé le genre de commentaires obtenus. Environ le tiers des observations portaient sur le prix des baux, et un autre tiers sur l'utilisation récréative et la disponibilité des terres ou sur une meilleure intégration du cadre réglementaire ténos pour l'aménagement du territoire.

Dans l'ensemble, les participants souhaiteraient que les règles d'administration des terres, plus particulièrement les règles

sur l'aliénation des terres publiques, soient plus claires, plus transparentes et plus cohérentes pour le public.

Les commentaires présentés dans le présent rapport ne constituent qu'une seule de plusieurs sources d'information examinées pour la rédaction du projet de règlements. Fait important, le ministère consultera les gouvernements et organisations autochtones, les administrations communautaires et les intervenants en gestion des terres et des ressources aux TNO tout au long du processus d'élaboration du règlement.

Le ministère procédera à un deuxième échange avec le public sur le projet de règlements à la fin de 2021, début 2022.

1.0 INTRODUCTION

The mandate of the GNWT Department of Lands (Department) is to manage, administer, and plan for the sustainable use of public land in the Northwest Territories (NWT) in a fair and transparent manner that reflects the interests of the people of the NWT. The Department is committed to ensuring that land administration is clear, effective, and efficient. Developing new regulations to bring the *Public Land Act* (PLA) into force is part of this ongoing work.

This report summarizes the approach taken and feedback received by the Department during round 1 of public engagement on the development of the PLA regulations.

WHAT IS THE PUBLIC LAND ACT?

The *Public Land Act* received assent on August 21, 2019 at the end of the 18th Legislative Assembly but is not yet in force. The PLA will repeal the *Commissioner's Land Act* (CLA) and the *Northwest Territories Lands Act* (NWTLA) but cannot be brought into force until supporting regulations are developed. The Act consolidates the current authorities set out in the CLA and the NWTLA to better serve

NWT residents. It also addresses administrative and technical barriers to land administration, and it harmonizes the two different land administration regimes under a single Act. The PLA will increase clarity for land users and allow for improvements to land administration through new regulations, policies, and procedures.

2.0 APPROACH TO REGULATIONS DEVELOPMENT

The Department is taking a phased approach to the development of regulations under the *Public Land Act*.

Phase 1 is about developing the keystone regulatory provisions required to operationalize the Act and bring it into force quickly. The preliminary goals of Phase 1 are as follows:

- **Harmonize** rules for the administration of grants, leases and licenses
- **Clarify** quarry administration, restoration, security requirements and general rights to recreate
- **Implement** new requirements for public information, notices, and reporting
- **Re-register & Refine** Land Withdrawal Orders
- **Implement authorities** – complete Statutory Appointments, Ministerial Designations, and written delegations
- **Continue regulations** – some regulations may be left as is and deemed continued

Although the scope of engagement in Phase 1 is limited to the regulations necessary to bring the PLA into force, discussions and input are expected to inform other Departmental policy and planning initiatives.

Phase 2 will develop new policy approaches and land management tools to meet emergent and changing needs. Phase 2 will start when Phase 1 is complete and the Act is operational. Once operational, this new model will be tested and will shape the planning and scope of Phase 2. This phase will require extensive research and analysis before these regulations will be created or updated. Phase 2 regulations work planning may further be informed by the priorities of the Legislative Assembly and any potential devolution to the GNWT of further authorities under the *Mackenzie Valley Resource Management Act* (MVRMA).

30 ENGAGEMENT APPROACH

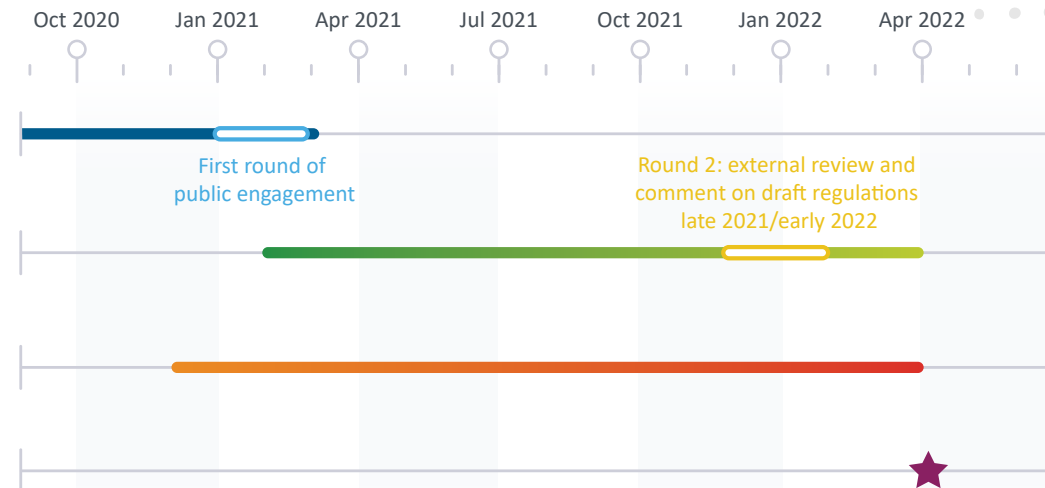
The engagement approach is designed to inform and consult the general public in the development of regulations under the new *Public Land Act*. The objectives of the engagement are to:

- Establish relationships with the public and stakeholders in the administration of public land.
- Provide a forum to support public engagement in this legislative initiative while following COVID-19 health measures and protocols.
- Provide information and clarity for land users and the public about the PLA and the scope and objectives for the Phase 1 regulations development.
- Obtain information about technical and operational issues with the current legislation (NWTLA and CLA).
- Provide notification that the Department is undertaking this work and that there will be an opportunity to review and comment on the proposed regulations later in 2021/early 2022.

Phase 1 of the regulations development includes two rounds of public engagement (see Figure 1). Round 1 was intended to be educational, to provide information to the public about the regulations development work being initiated by the Department. This early engagement identified and solicited feedback on key issues of public interest in the regulations development. It will also set the groundwork for a second round of public engagement in late 2021/early 2022 to review and comment on the draft regulations.

Collaboration and engagement with Indigenous governments and organizations, community governments and stakeholders will be ongoing throughout the regulations development and separate from the public engagement periods.

All comments received will be considered as the Department develops drafting instructions for the Department of Justice over 2021-2022.



↑ **Figure 1:** Phase 1 *Public Land Act* regulations development timeline

Engagement with Indigenous Governments and Organizations

The Department is following the new Intergovernmental Council (IGC) Protocol on Legislative Development. On December 1, 2020, the Department invited all IGC Indigenous government members to participate in developing the substance of the regulations through Intergovernmental Council Secretariat collaboration. In March,

the Department received interest from nearly all Intergovernmental Council members to collaborate in the development of these regulations. Indigenous governments outside of the IGC have also expressed interest in participating in the regulations development. The Department plans to engage these governments through bilateral meetings

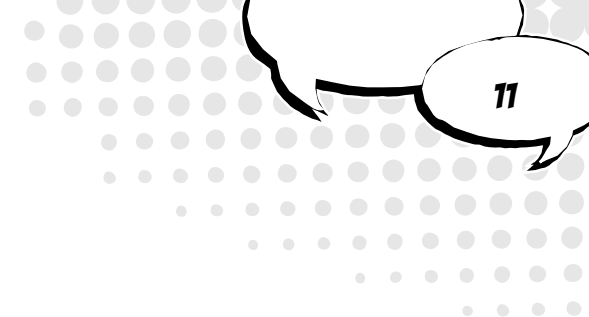
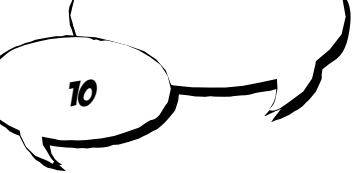
while work continues with IGC members to establish a process for collaboration in the regulations development. This work and associated timelines represents a critical path in the *Public Land Act* regulations development process. It will ensure Indigenous governments are heard and that their priorities are reflected in the regulations that are put forward.

Stakeholder Engagement

The Department is planning to establish technical advisory panels to support more effective and ongoing participation from key stakeholder groups in the development of the regulations. These technical advisory panels will run parallel to, but

separate from, engagement with Indigenous governments. The Department will release a call for expressions of interest for panel membership (anticipated late spring 2021). Depending on the number of submissions received, the Department may

coordinate separate panels on specific regulations of interest to: community governments; industry and regulatory boards/federal agencies; and non-governmental organizations.



3.1

ROUND 1 ENGAGEMENT ACTIVITIES

The Department obtained the input captured in this report through an online engagement platform, other written submissions and virtual meetings. Engagement letters and correspondence were also sent to Indigenous governments, community governments, federal government departments, non-governmental organizations and stakeholders with interests in the NWT’s public land administration regime. For a list of organizations that received an invitation to participate or engagement letter, see Appendix 1.

Round 1 engagement activities were supported by several publicly available educational materials. These materials were available in English and French on the ‘Have Your Say’ web page, with the option to request materials in other official languages.

Online engagement platform

The Department held the round 1 public engagement period online from December 10, 2020 to February 19, 2021. The online engagement platform was the primary tool used to facilitate discussion around administrative and operational issues for consideration in the regulations development.

The Department ran advertisements from December to February for the public engagement on the following

social media platforms, digital and newsprint media sources, and radio stations:

- Facebook (26,369 ad views, 4,266 direct clicks)
- Twitter (4,591 views, 51 direct clicks)
- Cabin Radio (85,716 ad views, 220 direct clicks)
- NNSL Media (5,826 ad views)
- L’aquilon (1,300 ad views)
- Radio Taiga and True North 100.1 FM

The engagement platform contained questions, an ideas board, and discussion boards on the Department’s Have Your Say website. A total of 95 written comments were submitted on the website:

- **68 original ideas and replies** on the Ideas board where visitors shared ideas on how to improve the existing regulations. Visitors were also able to ‘like’ ideas shared by others.
- **27 comments on the discussion forum pages** which allowed productive dialogue on key topics:
 - Land pricing (13 comments)
 - Land tenure (11 comments)
 - Quarries (2 comments)
 - Securities (1 comment)
 - Agriculture (0 submissions – but comments about agriculture were shared on the ‘Ideas Board’)
- **5 questions submitted** and responded to on the Q + A page.¹

In addition, the engagement platform hosted 2 quick poll surveys and received the following responses:

- **51 survey responses** to “how do you use public land?”
- **55 survey responses** to “what activities on public land should require securities?”

A summary of all comments and responses received is provided in Section 4 ‘What We Heard’.

Visitor Summary

The Have Your Say *Public Land Act* regulations page was visited a **total of 2,600 times**. Participants were asked to register with a screen name and email address and given the option to sign up for project updates. Most participants visited one or more project tools or pages, gaining awareness of this undertaking by the Department (1,186 “aware visitors”). A total



¹ A total of 5 questions were also submitted to the Have Your Say page - specifically 3 questions on lease pricing on Commissioner’s land and 2 questions on availability of land for leasing. Additionally, the Department responded to 1 comment seeking clarification in the land pricing discussion forum channel.



1.2K

AWARE
VISITORS

401

INFORMED
VISITORS

192

ENGAGED
VISITORS

of 401 visitors contributed to one of the engagement tools, visited multiple pages, or downloaded a document (“informed visitors”). Of those visitors, 192 (“engaged visitors”) took action by contributing ideas, asking questions, and participating in surveys.

Other online and other written submissions

The Department received the following input outside of the online engagement platform:

- one online information request from an environmental non-governmental organization
- emails or letters from interested parties, including federal government departments, industry, land and water boards, environmental monitoring agencies, and non-governmental organizations with interests in the environment and land and resource management
- phone calls with representatives of Indigenous governments and non-governmental organizations, as well as individuals who asked questions about the regulations development and engagement process

Virtual meetings

The Department’s representatives met virtually with Intergovernmental Council Secretariat members and the Northwest Territories Association of Communities (NWTAC) with representatives from 11 community governments to discuss the regulations development. The objective of these meetings was to provide technical information on the regulations development and the Department’s proposed approach (including timelines) for engagement with Indigenous governments and stakeholders. Comments received through these meetings have been captured under Section 4: ‘What We Heard’.

CONSIDERATIONS AND LIMITATIONS

Due to COVID-19 public health measures, it was not possible to host public open houses or other in-person meetings. As a result, this engagement period was limited to an online platform. However, this initial round of engagement was intended to be very broad and educational and to inform the public that the Department is undertaking this work. There will be an opportunity to review and provide comments on proposed regulations later in 2021/early 2022. The fact that 2,600 visits were made to the engagement platform demonstrates public awareness has been raised for this legislative initiative.

The Department did not propose options for the regulations in the round 1 engagement as this policy analysis and consideration is still being undertaken. Between the first and second round of public engagement the Department will be collaborating and engaging directly with Indigenous governments, community governments, and stakeholders on specific topics and provisions in the regulations.

Based on survey responses and feedback received, a large number of participants appear to have been recreational land users from Yellowknife (see Figure 3 in Section 4.0). The Department is hoping to target more communities on the proposed regulations during Round 2. The Department also plans to host online dialogues or virtual open houses to solicit discussion and feedback. If possible, the Department will also hold in-person engagement sessions (if public health measures allow).

4.0

WHAT WE HEARD

This report is intended to summarize “what we heard” about administrative and operational issues for the PLA regulations. This section summarizes the ideas and comments received during round 1 engagement and are not verbatim from particular individuals or organizations. To read the detailed comments and questions, you can visit the engagement platform at: <https://haveyoursay-lands.ca/public-land-act-regulations>. Written submissions and notes from meetings have been stored in the Department’s files for reference in the preparation of these regulations. They will also be available to supplement future engagement on policy and regulations.

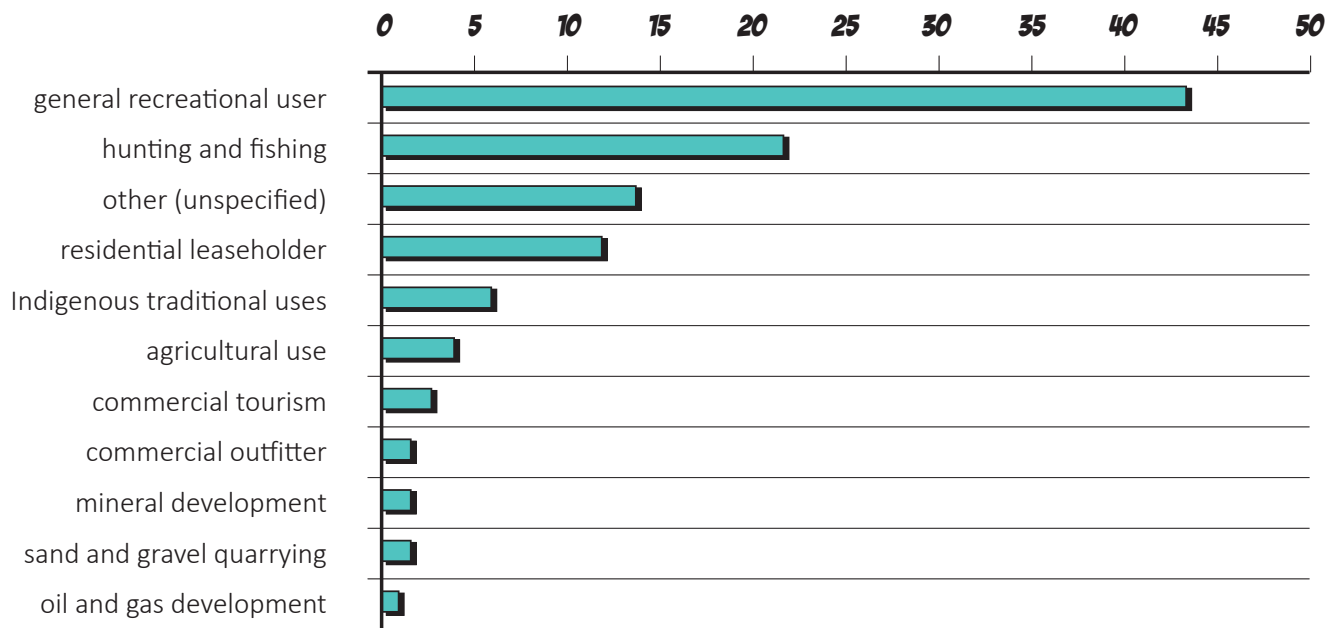
Key engagement topics

The *Public Land Act* regulations are technical and administrative in nature, and set out the rules and processes for how public land can be administered, including how land can be disposed of (e.g., leased) and sold. Most of the public interest generated during the engagement period related to common public interests, such as recreational use, lease pricing, and availability of land. Results from the survey question “how do you use public land” (Figure 3, below) shows that most of the engagement came from recreational land users: 44 of the 51 responses (86%) selected “general recreational land user”.

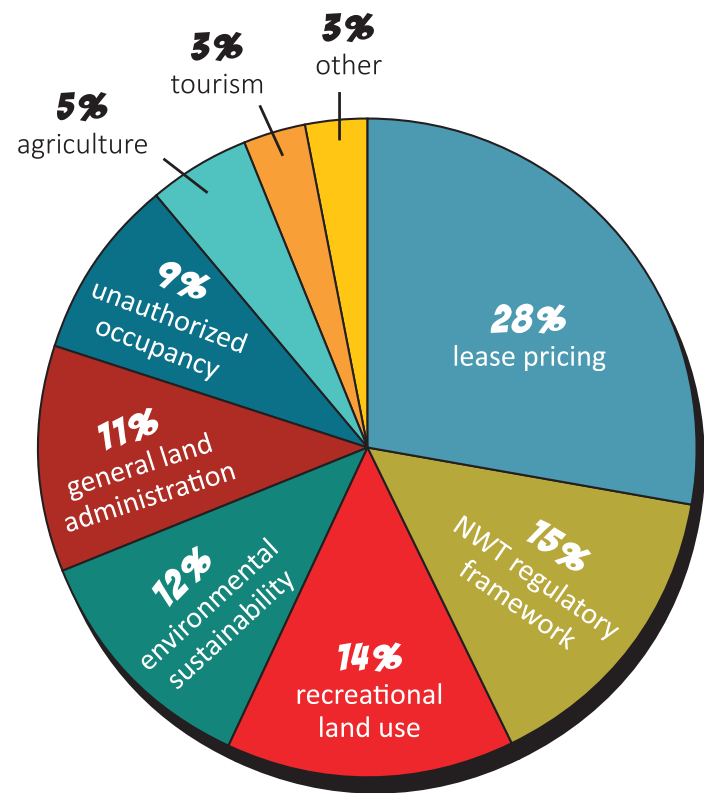
A lot of what was heard reinforced key themes the Department heard during engagement for the development of the *Public Land*

Act in 2017 and 2019, and other departmental public engagement initiatives (e.g., public engagement for the Recreational Leasing Management Framework). What we heard during the round 1 engagement can be captured under the following key topics:

- Lease pricing
- NWT land and resource management regulatory framework
- Recreational land use
- Environmental sustainability
- General land administration
- Unauthorized occupancy
- Agriculture
- Tourism
- Other



↑ Figure 3: How do you use public land?



↑ Figure 4: Summary of comments received by topic

Figure 4 captures the number of comments or ideas in relation to each topic. Most of these topics were not specific to the Department’s engagement questions but came out of the comments, questions and general discussion on the engagement platform. This analysis was done by doing a text analysis of all the comments received to identify unique ideas (e.g., ‘manage recreational use of land’), counting their ‘occurrence’ (how many times a specific suggestion or idea was mentioned), and grouping the ideas under a general topic or ‘theme’. This accounts for all the written comments submitted to the engagement platform, including ideas and replies to comments. It does not count click votes on comments or ideas, though those are noted below in this section, as relevant. This section also notes the occurrence rate for each comment that was made 3 or more times.

Engagement themes

The feedback received during round 1 public engagement identified the following key themes for consideration in development of the new regulations:

- Make leases more affordable
- Protect access to land for recreational activities
- Communicate where land is available and open for recreational leases
- Integrate land administration legislation with NWT’s broader regulatory framework
- Harmonize and standardize land administration rules and processes
- Add clarity and transparency in land administration policies and procedures
- Manage public land to ensure it is being used appropriately and sustainably e.g., for general public benefit and enjoyment of public land
- Balance use of land and compatibility of neighbouring dispositions
- Monitor land activities and enforce rules
- Protect and preserve the environment



↑ **Figure 5** a word-based conceptual illustration of the key themes from what we heard.

General feedback

Through virtual meetings and calls, the Department also received the following general feedback about the development of the regulations:

- Support for improving and harmonizing the regulations to create more clarity, consistency and certainty for all public land users throughout the NWT.
- Changes to how public land is administered and managed must ensure Aboriginal rights are respected and protected.
- Indigenous peoples are not stakeholders and must be engaged separately.
- Ensure that appropriate notices and measures for engagement and consultation processes are required under this new regime.
- Concerns about overlapping regulatory regimes and requirements causing confusion or redundancy in obtaining dispositions and other authorizations.

FEEDBACK ON DISCUSSION TOPICS

4.1

The Have Your Say engagement discussion forum asked five questions to participants. An ideas board was also hosted on the engagement platform, where visitors could provide comments and vote in favour of the ideas shared. The ideas board saw a total of 433 visitors and 128 contributors. On the discussion forum, the question on land pricing received the most comments (14 contributions, 120 page visitors), followed by the question on tenure requirements for use of public land (110 visits, 6 contributions).

This section summarizes the comments received in the discussion forum, comments posted to the ideas board that relate to a discussion forum question, and any supporting votes participants gave. Relevant comments received during virtual meetings or other correspondence have also been captured under the discussion topics in this section. To see other comments shared on the ideas board refer to Section 4.2: 'Other comments and ideas'.

WHEN IS TENURE NEEDED TO USE PUBLIC LAND?

Engagement Feedback:

Most comments received on tenure requirements related to recreational land use. Participants shared a lack of support for unauthorized occupants to be given leases. Participants also expressed overall acceptance for recreational uses of land without an authorization so long as those activities do not permanently occupy or impact the land. Generally, comments reflect an interest in monitoring and education on acceptable recreational uses of land to ensure the availability and accessibility of land for public benefit. Other comments received on recreational land use are captured below in Section 4.2: 'Other comments and ideas'.

- Opinions were divided on what uses should require a disposition:
 - All uses, except for day-use and camping, should require a disposition
 - All permanent structures require a disposition

Question: What uses of public land should require a disposition, such as a lease, permit or licence? What other types of dispositions should be available? What uses of public land should not require a disposition?

How should the Department regulate different kinds of uses:

- temporary /short-term use (e.g. wall tents)
- long-term use
- exclusive use
- non-exclusive use
- Any alteration to the land should require an authorization
- Tenure should be required if there are any impacts to the environment or wildlife
- Wall tents without a permanent platform are not to be a land management issue and should not require a disposition
- Some occupancies such as wall tents have taken up the best trailheads or boat launches and this is not acceptable
- The Department should define temporary/short-term use (3 occurrences)
- Some users claim exclusive use when they do not have an authorization and this limits public enjoyment of these sites
- Transient users without tenure often have less regard for stewardship of the land than lease holders
- Unauthorized occupants should be held to the same standards as lessees or should not be given tenure
- The Department should manage recreational land use activities:
 - Some areas are overused and popular recreational spots are seeing structures being built
 - Monitoring and surveying the land should help manage the development of structures and maintain sites for the benefit of everyone's enjoyment and environmental sustainability
 - Require everyone to follow environmental standards and enforce these
 - Some wall tents have been altered over time to become cabins and should not be granted tenure
 - Do not allow occupancies or give tenure in areas that are popular for recreational use
 - Establish structures for non-residential use that are open to communal use year-round and designate organizations to maintain these

LAND PRICING

Question: What should the Department consider when pricing residential, commercial, or recreational uses of land? Do these categories of land seem appropriate –are there uses missing that the Department should consider separately for pricing?

Engagement Feedback:

Most of the comments received related to affordability of recreational leases (15 total comments), particularly on Commissioner's land. There was agreement from visitors that recreational and residential land uses should be charged less than commercial and industrial. In particular, residential lease rates in far northern and/or remote communities are set much higher than some residents can afford.

- Harmonize lease rates on Commissioner's land and Territorial land (3 occurrences)
- Remove the distinction between recreational and residential lease rates (4 occurrences) and reduce rents for recreational leases
 - Reduce rents for recreational leases (3 occurrences) but other visitors commented that recreational lease rate pricing is reasonable
 - Set recreational lease rates to residential lease rate: 5% of assessed value (7 votes in favour)
- A new pricing regime for all dispositions will be a change that could be a shock if the Department switches to assessed value from a flat rate appraised value on Territorial land
- Consider different pricing for various land uses
- Subsidize land used for agricultural purposes
- Provide clear information on lease rate pricing; there is currently confusion and a lack of transparency and perceived fairness in how land is priced
- Make leases more affordable (12 occurrences; 20+ votes in favour)
 - Residential lease rates are too high in remote northern communities based on the econometric modelling under the *Property Assessment and Taxation Act* (PATA)
 - Reduce lease rents for traditional and recreational users
 - Do not charge lease rents for traditional users or offer reduced lease rates to Indigenous peoples
 - Charge reduced lease rates to seniors and others below income thresholds
 - Set a maximum lease rate cap (4 votes in favour)

Department switches to assessed value from a flat rate appraised value on Territorial land

- Do not drastically increase lease rates; increases should be done incrementally over time and with notice (4 votes in favour)
- Suggestions for new land pricing models included:
 - Set pricing thresholds based on community (MTA/GTA/ population size/etc.)
 - Revise PATA or do not use assessed value to price land
 - Follow other jurisdictions like Alberta in how they price land leases
 - Set pricing based on the value of the land (rather than a flat rate minimum)
 - Set a reasonable minimum and maximum lease price based on the size of lots
 - Set pricing based on road accessibility and access to community services
 - Set new pricing model based on built structures
- Use equity leases as lease-to-own consistently across the territory

FINANCIAL ASSURANCES & SECURITIES

Security deposit requirements are often conditions of specific authorizations such as water licences, land use permits, or leases. Securities are required for resource development and infrastructure projects, as well as other types of land uses. If an owner or operator abandons a site or becomes insolvent (bankrupt), the government can use the

Question: “Securities” are funds (cash) or financial assurances such as letters of credit supplied by authorized users of land and water, and held by government, to ensure there is money available to clean up a site, if needed.

securities to cover the costs of decommissioning and reclamation.

Currently, security is calculated on the basis that it must cover 100% of what it would cost the government to remediate the project. How would you propose the Department calculate the amount that is required for dispositions on public

land? What factors should the determination take into account?

The GNWT’s preferred forms of security are cash and irrevocable letters of credit. Do you have any suggestions about this?

What information should the GNWT report to the public about securities?

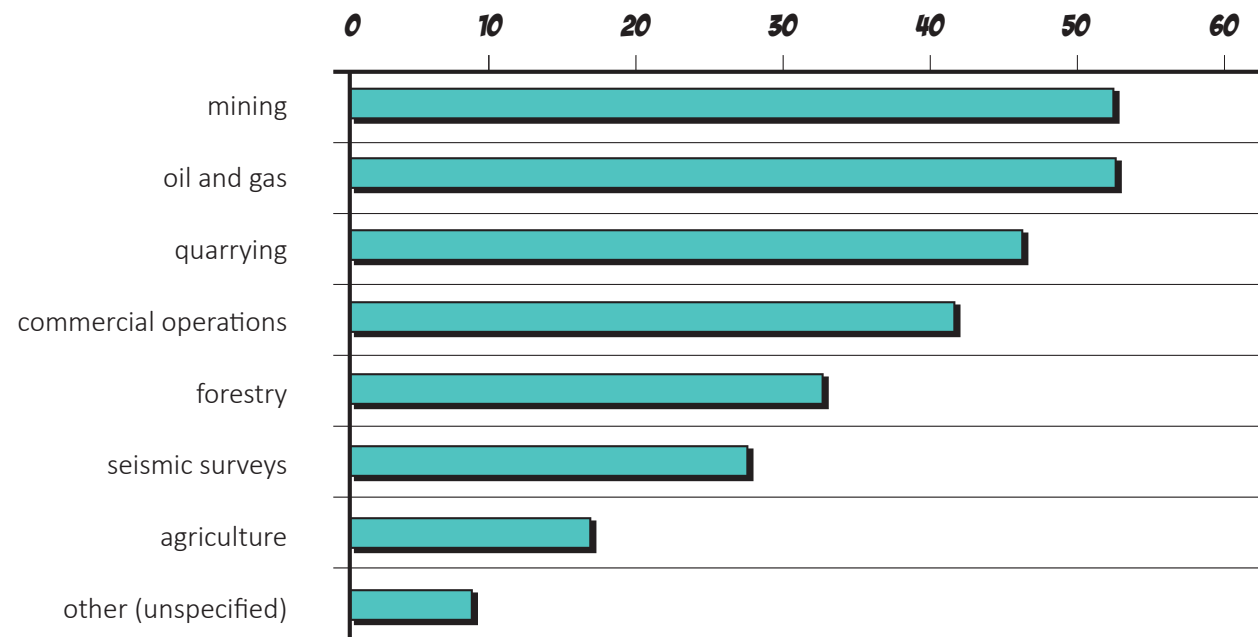


Figure 6: What kinds of activities on public land should require securities?

Engagement Feedback:

Only one comment was specifically made regarding security requirements in the discussion forum questions. However, there were several comments from industry stakeholders made to the Ideas Board. Comments related to security requirements have been captured below:

- Use environmental surety bonds for securities. The amount of cash security and irrevocable letters of credit are usually insufficient to properly address a clean-up, if required. “An Environmental Surety Bond is a unique guarantee that contractors will comply with federal regulations and environmental policies. It is designed to prevent environmental damage by covering construction projects and hazardous materials within the bond. If a bond needs to be invoked by the GNWT, then the issuing bonding company looks after the required decommissioning and reclamation.”

- Limit the Minister’s discretionary powers to set mine security, closure, and restoration requirements (8 occurrences; 80 votes):
 - Allowing Ministerial discretion to control land use undermines the jurisdiction of the Land and Water Boards and the intentions of the co-management regime
 - The Department of Lands should not be able to approve or reject management and closure plans approved by the Boards
 - Requiring maintenance and restoration of the land to a condition “satisfactory to the Minister” duplicates the Land and Water Boards’ regulatory requirements
 - Do not impose measures that are redundant of requirements under the MVRMA, such as double-bonding security requirements:
 - The increased cost to proponents creates barriers to investment opportunities and Territorial economic development

- The GNWT’s role is to enforce land use permits issued by the Land and Water Boards
- Inspection authorities under the MVRMA have been delegated to GNWT staff so the GNWT does not need to impose additional land use controls through the lease instrument
- Provide greater clarity, consistency, and transparency in the regulations - including security requirements

The engagement platform also polled participants on when securities should be required (Figure 6). A total of 55 responses were received and results show strong support for mandatory security on industrial and commercial operations, but less for agricultural operations.

HOW CAN THE DEPARTMENT SUPPORT AGRICULTURAL DEVELOPMENT ON PUBLIC LAND?

Engagement Feedback:

Ideas on how to support agriculture and food production on public land included:

- Need on-site residency for agricultural leases to ensure agricultural investments can be protected and maintained
- Use easements or land parcels adjacent to existing leases for agricultural production
- Create opportunities for homesteading (7 votes)
- Local and sustainable agricultural production is challenged by northern climates and soil

capacities (specifically in the North Slave region)

- Include regulatory provisions for non-permanent grow covers such as low impact greenhouses and consider future agricultural operation needs such as hydroponics
- Subsidize commercial agricultural operations (through reduced lease rent or lower taxes) as profit margins are low and these operations promote local and northern food security
- Establish environmental safety guidelines for agriculture to

ensure that wastes (especially manure), fertilizers, pesticides, invasive species and pathogens are controlled and regulated on agricultural leases and do not harm the surrounding environment or wildlife

- A definition of agricultural operations should include the harvesting and processing of native wild herbs, berries, birch syrup, and mushrooms as agri-foods and non-timber forest products; this is consistent with federal Government of Canada guidelines

Question: What barriers currently exist in obtaining land for commercial agricultural activities? How could new land administration regulations under the *Public Land Act* better support development of the NWT food industry?

HOW SHOULD WE MANAGE QUARRIES?

Engagement Feedback:

The following comments were received in relation to quarry management:

- Water after quarry blasting to control dust

Question: Quarries are managed differently under the two existing pieces of legislation. The *Public Land Act* will harmonize the establishment, operation and restoration of quarries on public land. Do you have any concerns or advice about the way sand and gravel resources are currently managed or should be managed in the future on public land?

- The current regulations only refer to municipal corporations and this excludes Indigenous designated authorities
- There are quarries on private lands as well and management

of these is not straightforward. The Devolution Agreement allows for regional variations and these regulations may need to address quarries on public land in different parts of the NWT

OTHER COMMENTS AND IDEAS

4.2

The engagement platform Ideas Board generated a lot of input. Those comments have been captured and grouped by engagement topic. Some of what we heard is beyond the scope of this project, while other feedback relates to the legislation and authorities of other departments. The Department of Lands will be sharing this report with other GNWT departments with responsibilities for land and resource management, such as Environment and Natural Resources and Industry, Tourism and Investment, to ensure this feedback is heard.

General land administration

The following comments were provided on general land administration:

- Do not allow for administrative monetary penalties to be used (3 occurrences; 6 votes); fines should be preventative and not punitive (or 'punishing')
- Standardize leases (4 occurrences; 5 votes)
- Implement a public appeals process (3 votes)
- Provide clear information on rights and responsibilities to use land
- Review limits to tenured parcel sizes
- Carry out consultation with nearby lessees on commercial lease applications
- Grant title to leases (5 occurrences)

Community government ideas

- The Lands Advisory Committee process which reviews applications for disposition is not efficient
- Comments from the Department about compatibility of a proposed land use with a community zoning bylaw is the responsibility of community governments, not the GNWT
- New regulations should address issues relating to lands within and around municipal boundaries, including land transfers to municipalities and different processes and requirements on Territorial and Commissioner's Land
- Allowing municipalities to have the right of first refusal prior to a disposition or grant being issued within community boundaries will

- support community planning and development through the recouping of land development costs
- Concern that names of applicants and the purpose on lease applications for review have been redacted

NWT regulatory framework

- Limit Minister's discretionary powers over lease terms and conditions to increase transparency and certainty (8 occurrences; 80 votes)
- Add greater clarity on the rules in the regulations to standardize and modernize surface lease terms and conditions (4 occurrences; 80 votes)
- Do not impose measures that would be redundant to the existing MVRMA process (4 occurrences; 81 votes)
- There is too much uncertainty for proponents in how a lease will be administered (5 occurrences; 84 votes)
- The land administration system creates political and financial risk for developers and impedes economic investment (8 occurrences; 80 votes)

Recreational land use

- Manage recreational land use activities (7 occurrences)
- Manage access to the backcountry (3 occurrences)
- Protect access to recreational areas for all land users (3 occurrences)
- Open up new recreational lease areas
- Designate areas for quad trails
- Protect popular recreational destinations
- Create more campgrounds (5 votes)
- Establish more territorial and national parks or wildlife areas
- Create more off-highway parking and signage
- Don't ticket leaseholder boats and trailers and improve access to lease parking (20 votes)

Tourism

- Consider the impacts of tourism leases on other nearby uses
- Create buffer zones to protect tourism areas from industrial activities
- Support access to remote wilderness tourism
- Create a recreational and tourism land tenure system to support tourism operators
- Protect popular tourism destinations

Environmental sustainability

- Ensure the environment and wildlife are protected (4 occurrences)
- Require an environmental review for road building
- Balance socio-economic development with conservation/protection and ensure responsible land use (5 occurrences)
- Preserve undeveloped wilderness areas
- Clean up abandoned sites (5 occurrences; 4 votes)
- Communicate an action plan for remediation of abandoned mine sites
- Clean up garbage and dumping at access points and off highways
- Create a nomination process to establish protected areas (3 occurrences)

Unauthorized occupancy

- Granting leases to unauthorized occupants unfairly penalizes lease holders (10 occurrences; 10 votes)
- Affordable lease rates will reduce unauthorized occupancy (4 votes)
- Charge penalties to unauthorized occupants (5 occurrences)

Other

- Public consultation is important
- Engage residents in remote northern communities on these regulations
- The engagement platform was confusing and difficult to use

5.0 CONCLUSION & NEXT STEPS

Overall, public engagement indicated support for the development of new regulations to administer public land in the NWT. In particular, participants expressed a desire for new regulations that provide greater clarity, transparency and consistency in land administration rules and practices. Regulatory topics of most interest to the public were land pricing, recreational land management (and leasing), and the interface of land administration legislation with the NWT's broader regulatory framework for land and resource management.

General public awareness appears to be high for this initiative, and the Department received substantial input through the online engagement platform. The feedback presented in this report represents only one of several sources of information that will be considered in developing the proposed regulations. Importantly, the Department will be engaging with other GNWT departments, Indigenous governments and organizations, community governments, and NWT land and resource management stakeholders throughout the regulations development process.

All of the input received will be considered by the Department in developing the regulations. This "What We Heard" summary report will be posted to the Department's website and sent to those organizations that participated in the engagement process.

A key objective of the round 1 engagement was to provide information about the *Public Land Act* and the regulations development work being initiated by the Department. The Department will undertake a second round of public engagement for review and comment on the draft regulations in late 2021/early 2022.

For more information, contact:

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All of the input received will be considered by the Department in developing the regulations.

APPENDIX 1:

PUBLIC LAND ACT REGULATIONS ROUND 1 ENGAGEMENT INVITATIONS SENT

Intergovernmental Council Invitation to Participate (per the Legislative Development Protocol) – December 1, 2020

- Acho Dene Koe First Nation and the Fort Liard Métis Local #67
- Denínu Kúé First Nation
- Gwich'in Tribal Council
- Inuvialuit Regional Corporation
- Kát'odeeche First Nation
- Northwest Territory Métis Nation
- Sahtu Secretariat Incorporated
- Salt River First Nation
- Tłı̨chǫ Government

NWT Indigenous Governments Engagement Letter – December 9, 2020

- Akaitcho Dene First Nations
- Dehcho First Nations
- Deh Gáh Got'îê First Nation
- Fort Providence Métis Council
- Fort Simpson Métis Local #52
- Jean Marie River First Nation
- Ka'a'gee Tu First Nation
- Łíídlíí Kúé First Nation
- Łutsel K'e Dene First Nation
- Mountain Island Métis
- Nahanni Butte Dene Band
- North Slave Métis Alliance
- Pehdzéh Ki First Nation
- Sambaa K'e First Nation
- Smith's Landing First Nation
- West Point First Nation
- Yellowknife Métis Council
- Yellowknives Dene First Nation (Dettah)
- Yellowknives Dene First Nation (Ndilq)

Transboundary Indigenous Governments Engagement Letter – December 9, 2020

- Athabasca Chipewyan First Nation
- Black Lake Denesuline First Nation
- Dene Tha' First Nation
- First Nation of Na-Cho Nyäk Dun
- Fond Du Lac Denesuline First Nation
- Fort Chipewyan Métis Local #125
- Ghotelnene K'odtineh Dene
- Hatchet Lake Denesuline First Nation
- Kaska Dena Council
- Liard First Nation
- Mikisew Cree First Nation
- Northlands Denesuline First Nation (Band #317)
- Nunavut Tunngavik Incorporated
- Prince Albert Grand Council
- Saskatchewan Athabasca Denesuline
- Denesuline Ne Ne Land Corporation
- Ross River Dena Council
- Sayisi Dene First Nation
- Vuntut Gwitchin First Nation

Stakeholder Engagement Letter – January 6, 2021

- Alternatives North
- Arctic Energy Alliance
- Association of Mackenzie Mountains Outfitters
- Beverly and Qamanirjuaq Caribou Management Board
- Canada Energy Regulator
- Canada Mortgage and Housing Corporation
- Canadian Heritage
- Canadian Northern Economic Development Agency
- Canadian Parks and Wilderness Society
- Crown-Indigenous Relations and Northern Affairs Canada
- Crown-Indigenous Relations and Northern Affairs Canada
- Ducks Unlimited Canada - NWT Office
- Ecology North
- Environment and Climate Change Canada
- Environmental Impact Screening Committee (Inuvialuit Settlement Region)
- Environmental Monitoring Agency Advisory Board for the Diavik Mine
- Fisheries and Oceans Canada
- Fisheries and Oceans Canada
- Fur Institute of Canada
- Geological Survey of Canada
- Giant Mine Oversight Board
- Gwich'in Land and Water Board

- Gwich'in Land Use Planning Board
- Gwich'in Renewable Resources Board
- Independent Environmental Monitoring Agency
- Innovation, Science and Economic Development Canada
- Inuvialuit Environmental Impact Review Board
- Inuvialuit Water Board
- Mackenzie River Basin Board
- Mackenzie Valley Environmental Impact Review Board
- Mackenzie Valley Land and Water Board
- Mining Watch Canada
- National Defence
- Natural Resources Canada
- Nature Canada
- Nature Conservancy of Canada
- Nature United
- Ni Hadi Xa
- Northern Air Transport Association
- Northern Farm Training Institute NWT
- Northwest Territories Board Forum
- Northwest Territories Business Development and Investment Corporation
- Northwest Territories Power Corporation
- Northwest Territories Surface Rights Board
- NWT & Nunavut Chamber of Mines

- NWT and Nunavut Construction Association
- NWT Chamber of Commerce
- NWT Food Network
- NWT Recreation and Parks Association
- NWT Royal Canadian Mounted Police
- NWT Tourism
- Office of the Regulator of Oil and Gas Operations
- Parks Canada
- Porcupine Caribou Management Board
- Sahtu Land and Water Board
- Sahtu Land Use Planning Board
- Sahtu Renewable Resources Board
- Snap Lake Environmental Monitoring Agency
- Tides Canada
- Transport Canada
- Wek'èzhii Land and Water Board
- Workers' Safety & Compensation Commission
- World Wildlife Fund Canada

Community Governments and Northwest Territories Association of Communities Engagement Letter – January 21, 2021

- Behdzi Ahda First Nation
- Charter Community of Tsiigehtchic
- City of Yellowknife
- Community Government of Behchokò
- Community Government of Gameti
- Community Government of Wekweètì
- Community Government of Whatì
- Délı̨nę Got'ı̨nę Government
- Fort Good Hope (K'asho Got'ı̨ne) Dene Band
- Hamlet of Aklavik
- Hamlet of Enterprise
- Hamlet of Fort Liard
- Hamlet of Fort McPherson
- Hamlet of Fort Providence
- Hamlet of Fort Resolution
- Hamlet of Paulatuk
- Hamlet of Sachs Harbour
- Hamlet of Tuktoyaktuk
- Hamlet of Tulita
- Hamlet of Ulukhaktok
- Jean Marie River First Nation
- Ka'a'gee Tu First Nation
- Kátł'odeeche First Nation
- Łutsel k'e Dene First Nation
- Nahanni Butte Dene Band
- Pehdzéh Kí First Nation
- Sambaa K'e First Nation
- Town of Fort Smith
- Town of Hay River
- Town of Inuvik
- Town of Norman Wells
- Village of Fort Simpson
- Yellowknives Dene First Nation (Dettah)



**STAY
TUNED FOR
ROUND 2**

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