

KEVIN O'REILLY - MLA FRAME LAKE
Land Use Planning
Committee of the Whole—2019-2020 Operating Budget Review
Department of Lands – March 5, 2020

MR. O'REILLY: Thanks, Madam Chair. I want to thank my colleague from Yellowknife North for stealing a number of my questions, but I will try to do a mop-up operation here. For land use planning, can someone tell me how much we're spending on land use planning in the Wek'eezhii Management Area for 2020-2021? Thanks, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Frame Lake. Minister of Lands.

HON. SHANE THOMPSON: Thank you. In 2019-2020, we spent \$647,000, and Infrastructure spent \$79,000 for a total of \$753,000. For the fiscal year coming up, we budgeted \$497,000, and Infrastructure has budgeted \$79,000, for a total of \$576,000. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Minister. Member for Frame Lake.

MR. O'REILLY: Thanks, Madam Chair. I believe in land use planning. It's what got me up here in 1985; I was the land use planning coordinator for the Dene Nation. Why are we spending our money to do land use planning in the Wek'eezhii Management Area? Clearly, this is a federal land rights agreement implementation issue. The feds should be paying for this. Why are we paying for this and not the feds? This is not the first time I've raised this. Thanks, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Frame Lake. Minister of Lands.

HON. SHANE THOMPSON: Thank you, Madam Chair. I am going to start, and then I am going to turn it to the assistant deputy minister. This is a collaborative approach between the federal government, the Government of the Northwest Territories, and the Tlicho government. It's a collaborative approach to it. For further detail, I am going to ask Mr. Hall to provide further detail, with your permission.

CHAIRPERSON (Ms. Semmler): Thank you, Minister. Mr. Hall.

MR. HALL: Thank you, Madam Chair. The planning process in Wek'eezhii, we have undertaken with the Tlicho government and the Government of Canada, all full partners in that process. We agree that Canada is the party responsible to fund land use planning in the NWT, as they have done for the Gwich'in and Sahtu plans. What we are doing through our funding for Wek'eezhii planning is getting the groundwork in place in order for a planning process to take place. We are still looking at Canada to fund that planning process. Our contribution is to prepare for that planning process. This commitment sort of stems from the Land Use and Sustainability Framework, where the GNWT stated that it wishes to promote and support effective land use planning throughout the NWT. This is our part to get the ball rolling for Wek'eezhii planning, but yes, we are looking to Canada to fund the planning process. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Mr. Haul. Member for Frame Lake.

MR. O'REILLY: Thanks, Madam Chair. Look, there's a dispute resolution process in the Tlicho agreement. I don't know why we don't trigger that, start the formal process, and take it to arbitration if we have to. This is clearly a federal responsibility, and the feds should be paying for this. It should not be coming out of our money. I leave that for the Minister. I left it for the last Minister; nothing was done. I don't want to be here three years from now without our government having actually stood up for our rights under the agreement. Work with the Tlicho government. Submit a joint dispute resolution submission. Get this thing sorted out.

Madam Chair, I want to move on to securities. We had this issue brought to the Standing Committee on Economic Development and Environment that there seems to be a problem with our government accepting land and water security that has come from the land and water boards as a consolidated amount. From what I understand, they refuse to accept security that had been estimated for the Misery Deep project. Has this been sorted out, or are we still insisting that the land and water securities be held separately? This may not be a big deal for that particular project, but as other big projects come along, or renewals of licences come along, this has got to be sorted out. Otherwise, we're not accepting securities that the companies themselves want to put up. Has this been resolved, Madam Chair?

CHAIRPERSON (Ms. Semmler): Thank you, Member for Frame Lake. Minister of Lands.

HON. SHANE THOMPSON: Thank you, Madam Chair. Right now, I would have to say no, it hasn't been resolved. We're looking into it and, again, we're trying to get it right, but right now I can say that it has not been resolved, to our knowledge. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Minister. Member for Frame Lake.

MR. O'REILLY: Thanks, Madam Chair. I thought I was going to get excited with the last set of questions. You know, I don't know what the problem is, here. The feds were able to accept these kinds of security estimates, and they took the securities, they held them, and now our government doesn't want to do that? This is putting our taxpayers at risk. We raised with the previous Minister of Lands in the context of the Public Land Act. We tried to build in provisions to try to deal with this, allowing for that Minister to make agreements with other Ministers; the Minister's twin, ENR. The Minister wouldn't go for it. This has got to get sorted out, or our taxpayers are going to be at risk for hundreds of millions of dollars of environmental liabilities. When does the Minister anticipate sorting this out? Thanks, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Frame Lake. Minister of Lands.

HON. SHANE THOMPSON: Thank you, Madam Chair. I don't want to lie, here, and say tomorrow or the next day. What I will do is I will make a commitment to come back to committee and give an update where we are and how we're moving forward. So I can give you that

commitment. I can't give you an exact date, but working with the two departments to present that information to committee. Thank you, Mr. Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Minister. Member for Frame Lake.

MR. O'REILLY: Thanks, Madam Chair. Yes, I really look forward to that briefing and the information coming forward. I guess I've sat here really patiently for four years, now. In the last mandate, there was a commitment to develop a comprehensive approach framework to prevent public liabilities coming to this government and, guess what, it has already happened. I predicted it, and it has happened. Our government has not developed any policy in this area. The only legislative thing that I'm aware of is rolling back the requirement for mandatory financial security. We tried to get that into the Public Land Act. The Minister refused. I don't know where we're going with this stuff as a government. We cannot demonstrate to even our own citizens or taxpayers that we can responsibly manage resources, so how are you going to convince the federal government to give us more delegated authority under the NVRMA, or give us control over the NVRMA? I want a plan, and I want it now, and our taxpayers deserve a plan. When is the Minister going to start to sort this out and protect the taxpayers and the environment of the Northwest Territories? Thanks, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Frame Lake. Minister of Lands.

HON. SHANE THOMPSON: Thank you, Madam Chair. We agree with the Member. We agree that polluters should be paying, and at this point in time, for more details, I'm going to ask the deputy minister through your permission. Thank you, Mr. Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Minister. Ms. Haener.

MS. HAENER: Thank you, Mr. Chair. As the Minister said, we believe the polluter should pay. When government makes presentations to regulatory bodies, we do so presenting figures representing full clean-up costs, and those are the positions we put forward. At times, boards will vary the security provisions or not accept our submission. I believe that the work that the Executive and Indigenous Affairs is undertaking in order to work toward greater control with the NVRMA would allow us to have greater control and issue policy direction to a regulatory body in this area, and that is certainly something that I think would benefit the territory. Thank you, Mr. Chair.