



IDENTIFICATION

Department	Position Title	
Environment and Climate Change	Director, Impact Assessment and Security Management	
Position Number	Community	Division/Region
23-14599	Yellowknife	HQ

PURPOSE OF THE POSITION

The Director, Impact Assessment and Security Management (Director) is responsible for providing overall leadership and strategic advice on all legislation, regulations, policies, programs and services in relation to impact assessment and security management for the Department within the context of Government of the Northwest Territories (GNWT) legislation, regulation and policies and the political, social and economic context of the NWT to promote and support the sustainable use and development of natural resources and to protect, conserve and enhance the NWT environment for the social and economic benefit of all NWT residents.

SCOPE

The Director is located in Yellowknife and reports to the Assistant Deputy Minister (ADM), Regulatory, Assessment and Authorizations. The Director is accountable for developing and implementing policies, systems and processes necessary for the GNWT to carry out impact assessments (IA), and to identify, quantify and mitigate the environmental risk and financial exposure for the GNWT inherent in resource and infrastructure development. The Director provides strategic and expert advice on IAs and securities management, and leads the government and Department's initiatives related to environmental screening and assessment of development proposals; resource development risk assessment; and resource project securities and financial assurances policy development and implementation.

The Department of Environment and Climate Change (ECC) is mandated to promote and support the sustainable use and development of land and natural resources and to protect, conserve and enhance the NWT environment for the social and economic benefit of all NWT residents. Natural resources include both renewable and non-renewable resources.

To achieve this mandate, ECC promotes sustainable development of renewable resources in a diverse environment, and the sustainable use and conscientious protection of NWT land, air, water, wildlife, forests and natural resources, as they are integral to the economic, cultural



and social fabric of life in the NWT. ECC is committed to ensuring an inheritance of a healthy environment for future generations and works to balance traditional lifestyles with a modern economy.

The Department promotes management that recognizes the interconnectedness of activities. Collaboration, coordination, cooperation and communication are expected to occur at all levels in the organization. The Department is committed to working in partnership with other GNWT departments to achieve government-wide objectives.

The position works within a legislative framework which includes the *Northwest Territories Lands Act* and Regulations; the *Commissioner's Land Act* and Regulations; the *Public Land Act* and Regulations (when brought into force); the *Waters Act* and Regulations; the *Environmental Protection Act* and Regulations; the *Wildlife Act* and Regulations; the *Mackenzie Valley Resource Management Act* and Regulations; *Waters Act* and Regulations; *Species at Risk Act* (GNWT and Canada); *Mineral Resources Act* and Regulations (when brought into force); as well as the settled Lands, Resources and Self-government Agreements within the NWT; Interim Measures Agreements; Interim Land Withdrawals; Devolution Final Agreement; Respect, Recognition, Responsibility; Land Use and Sustainability Framework; Healthy Land, Healthy People; Sustainable Development Policy (GNWT and Canada); Mineral Development Strategy; Economic Opportunities Strategy; Water Stewardship Strategy; Land Pricing Policy; the Land Lease Only Policy; and the Recreational Leasing Management Framework.

Due to unique land ownership dynamics and associated regulatory regimes in the NWT, flowing from legislation and land claim agreements, there are three distinct and different IA regimes within the territory, and multiple IA regimes beyond NWT borders. The GNWT participates in all IAs for projects that may impact NWT lands, resources, and residents, whether the project is within the territory or external to the territory but with transboundary impacts. The Department manages the GNWT's complex set of multiple accountabilities within these regimes. There are additional challenges for IAs in the Mackenzie Valley as the Director must ensure GNWT meets legislated timelines within the IA process, while still providing for robust IA decisions based on sound analysis and evidence.

The Director is responsible and accountable for ensuring GNWT approaches to IA are proactive, strategic, coordinated, timely, consistent and effective and follow general IA principles while being individually and appropriately tailored to the particular IA regime and the project proposal under review. The Director coordinates the identification of GNWT interests, and represents GNWT at public hearings on project IAs. The incumbent is accountable for strengthening the GNWT's IA management capacity, and leading government staff in optimizing operational efficiencies to support ministerial decision-making across departments and governments. The work is complex and must rely on rigorous evidence-based approaches to avoid being vulnerable to influences by political positions, stakeholder



and public expectations, relationships with other departments, other governments (including Indigenous Governments), institutions of public government, and stakeholders. The Director has the primary responsibility for supporting the process in which federal and territorial Ministers make final decisions on approvals of IAs. These decisions can represent the loss or gain of hundreds of millions of dollars in investment in the NWT, as well as liability exposure at a similar scale. Insufficient management of the risks associated with these decisions may result in consequences such as project delays and court judgments against the GNWT. Decisions, once made, result in legally binding measures and recommendations that government must follow, usually for the life of the project through project closure and remediation. The Director ensures that the GNWT is aware of its obligations and monitors and reports on implementation of recommendations.

In tailoring the GNWT's role to multiple IA regimes, the Department must operate with full respect and recognition of Aboriginal rights and knowledge of the GNWT's obligations to consult and/or accommodate under Section 35 of the *Constitution Act, 1982* and historic and modern treaties. The Director has primary responsibility for ensuring that, in relation to project IAs, the GNWT has met its duty to consult, and where appropriate, accommodate adverse impacts to asserted or established Aboriginal and/or Treaty rights. This requires managing significant legal, relationship and political risks, and may involve participating in judicial reviews and related processes. The Director is accountable for the content of affidavits providing the GNWT's evidence and may be cross-examined as a representative of the GNWT.

Insufficient management of these risks may result in consequences such as project delays, judgments against the GNWT, multi-million dollar settlement costs, and use of human and financial resources to conduct court-ordered consultations.

Engaging and forging strategic alliances and consultative relationships to ensure collective perspectives, needs, and issues are considered in the development, delivery and enhancement of division services is critical to the success of the position. The Director must foster collaborative relationships at senior levels, paying particular attention to relations with regulatory boards who have significant decision-making authority in relation to IAs and the quantum of financial securities against environmental liabilities that are attached to a development. The Director further plays a leading role in representing the GNWT and coordinating its involvement in territorial national and international matters relating to impact assessment processes, also referred to as environmental assessment processes. The Director is the GNWT's primary representative on federal/provincial/territorial committees and working groups on impact assessment and securities management.

The Director is further responsible for developing and implementing government-wide policies, programs and procedures for incentivizing industrial developers' reclamation and environmental protection activities while transforming environmental securities policy and



administration so as to protect taxpayers from the costs of reclamation, closure and long-term management of industrial sites. The GNWT has adopted a multi-departmental approach to resource development and financial assurances management. The Department, Industry, Tourism and Investment (ITI) and Finance both have roles respecting aspects of resource development and related financial assurances. As a result, there is a challenge in aligning approaches and policies and mitigating operational gaps and overlaps. The Director has been tasked with developing a new Securities program and policy suite for the GNWT. The Director must ensure overall GNWT coordination of securities issues, but they do not have line authority over other departments. Furthermore, the federal government retains considerable legislative authority over financial assurances in the NWT, and the Mackenzie Valley Land and Water Boards play a significant role in setting securities and the associated policy framework. This means that the Director must establish collaborative and persuasive approaches to resolve policy and operational issues.

The Director accounts for and tracks more than \$750 million the GNWT holds in financial assurances across multiple projects and authorizations and in multiple forms. Security amounts can change frequently and are projected to increase as GNWT must hold securities equal to reclamation liabilities across all development projects. There are a number of major industrial sites that will be planning for final closure over the next decade. The Director is responsible for analyzing and providing expert advice on closure and remediation requirements for major resource and industrial projects. The GNWT must manage securities and financial assurances in a way that ensures that lands and environments are returned to an acceptable level at the end of the life of resource developments but recognizes developers' expectations for return of environmental securities once sites are remediated to the satisfaction of government. There is currently no acceptable model either nationally or internationally to ensure this outcome and a significant challenge for the Director will be to develop and operationalize an acceptable approach to return of securities at site close-out.

The Director's leadership and management responsibilities demand a progressive and creative leadership approach, including the clear articulation and reiteration of the Department's plans, priorities and projected results and what is expected of managers and staff in achieving those results.

The Director is expected to manage the resources of the Division with economy, probity, and prudence, consistent with departmental and government objectives; and provides exemplary leadership in demonstrating the corporate values and ethics of the GNWT. The Director participates as a member of the Department's Senior Management Committee, leads and contributes to decision making and to the identification, review and formulation of plans, strategies, policies, frameworks, objectives, standards and processes governing the programs falling within the Department's mandate.



DIMENSIONS

- Reporting Positions (2 direct, and 8 indirect)
- Compensation & Benefits (\$1.86M)
- Operations & Maintenance (\$239,000)
- Grants & Contributions (\$75,000)
- Land Security (\$120M)

RESPONSIBILITIES

1. Upholds and consistently practices personal diversity, inclusion, and cultural awareness, as well as safety and sensitivity approaches in the workplace. Practice and ensure that any subordinate management and supervisory roles also prioritize staff mentorship and on-the-job training, including staff development in annual general objectives.
2. Represents the GNWT and the Department at the most senior levels across government, with Indigenous governments and community representatives, other levels of government, industry CEOs and resource management boards.
3. Provides strategic advice to the Minister, the Deputy Minister and the Assistant Deputy Minister and briefs the Minister, Cabinet committees, and Executive on issues related to areas of the Director's responsibilities.
4. Directs the development, delivery, evaluation and continuous improvement of transformative legislation, regulation, policies, programs and services in the areas of the Director's responsibilities to ensure responsive management of resources and maintenance of environmental quality which are consistent with government objectives.
5. Provides expert advice on the GNWT's procedural and decision-making responsibilities in relation to areas of the Director's responsibilities.
6. Oversees consultation and engagement on areas within areas of the Director's responsibilities with other levels of government and directs the analysis and reconciliation of the views and concerns of those consulted within GNWT policy.
7. Represents the GNWT at the territorial, inter-jurisdictional, national and international levels.
8. Collaborates and maintain strong partnerships and intergovernmental relationships with Indigenous Federal, Provincial, Territorial, and Municipal Governments, co-management boards, and community leadership on matters of common interest with respect to areas of the Director's responsibilities. This collaboration includes taking



into account accumulated historical information and Traditional Knowledge.

9. Provides executive support and expertise in the overall management of the department through involvement in the development of business plans, main estimates, transition planning and program and service development and delivery.
10. Provides executive leadership for GNWT participation in IA proceedings to ensure a coherent GNWT approach that advances GNWT interests. Takes a lead role in building consensus across GNWT departments and the Federal government. Lead representative for the GNWT at IA public hearings.
11. Provides executive leadership for the management, administration and development of policies and procedures for financial securities against environmental liabilities. Takes a lead role in coordinating amongst and building consensus across GNWT departments, the Federal Government, Indigenous governments and regulatory boards.
12. Provides strategic advice to: the ADM and DM of ECC; Deputy Minister members of the Project Assessment Senior Management Coordinating Committee' and Ministers with jurisdiction or mandates related to development proposals, on highly complex issues related to legal/procedural requirements for environmental screening and assessment of development projects and associated environmental securities and liabilities associated with development of lands and resources. Recommends approaches to ensuring robust IA decisions on projects, sound securities management, and related politically sensitive issues.
13. Develops, tests, implements and ensures effective ongoing operation of systems for managing GNWT IA decisions (which may include tracking and reporting on acceptance and implementation of legally binding obligations resulting from IA decisions) and financial environmental securities held in a \$750M+ portfolio of various instruments so as to ensure proper custody, registration, cash management.
14. Directs and oversees consultation and follow-up in the context of impact assessment processes and the management of financial securities against environmental liabilities to ensure that the GNWT has met its obligations to consult and/or accommodate under Section 35 of the *Constitution Act, 1982*, and historic and modern treaties.
15. Provides strategic direction and oversight to the design, development, review, implementation and evaluation of strategic initiatives, policies, procedures, and directives (including legislation and regulation) that guide GNWT participation in IA processes and the monitoring and enforcement of financial assurances including policies and procedures related to return of securities following closure and remediation of industrial sites.



16. Directs and oversees ongoing research, analysis, monitoring and evaluation of environmental and financial risk respecting environmental liability exposure and develop appropriate response plans to mitigate such risks and liabilities.
17. Leads inter-departmental approaches and forums to identify, discuss and resolve common interests among GNWT departments respecting environmental risk management, including environmental screening and assessment, financial assurance policy and practice, etc.
18. Represents the GNWT on matters related to IA and securities matters, including at senior levels with Indigenous governments and organizations, federal departments, regulatory boards and industry and other fora such as federal, provincial and territorial working groups (National Environmental Assessment Administrator's Committee, Energy and Mines Ministers' Intergovernmental Working Group on Mines) dealing with policy and legislative frameworks.
19. Fosters and maintains positive, meaningful and respectful partnerships and collaboration to advance, promote, and develop the Division's initiatives.
20. Plans and directs the work of the Division to ensure that approved objectives and budgets are met in an effective manner consistent with the operational policies and procedures of the Department and GNWT.
21. Participates constructively in the senior management team of the Department and contributes to the senior leadership of the Department.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

No unusual conditions.

Sensory Demands

No unusual demands.



Mental Demands

This position is subject to multitasking, dealing with confidential and politically sensitive information and working to tight deadlines on a daily basis.

This is a senior level position with urgent deadlines, some of which reflect requirements set in legislation. The incumbent represents the GNWT at public hearings for impact assessments which may involve situations where the incumbent is the subject of strong criticism and has to find common ground between polarized strongly held and often emotional opinions in order to determine a balanced approach for the GNWT.

KNOWLEDGE, SKILLS AND ABILITIES

- Expert and system-wide knowledge of the legislative and regulatory regime (including Lands, Resources and Self Government Agreements and interim measures), standards and policies and associated case-law decisions governing IA and environmental securities management in the NWT and the surrounding resource management context.
- Specialized knowledge of Aboriginal consultation and Indigenous engagement requirements and government process to ensure requirements are met.
- Specialized knowledge of IA principles and practices, including biophysical, socio-economic, cultural and other aspects, grounded in an appreciation of interdisciplinary practices and approaches and an understanding of the consideration of traditional and local knowledge.
- Specialized knowledge in the field of environmental liability and remediation/mitigation associated with resource development and closure and reclamation planning, best practices regarding financial assurance requirements and their monitoring and enforcement including their typical form and content and associated regulatory instruments.
- Knowledge of roles, responsibilities, diverse practices, processes and issues relating to the Department of ECC and co-delivery partners in the NWT integrated resource management system including GNWT, federal Departments and agencies; resource management boards (Mackenzie Valley Environmental Impact Review Board, Land and Water Boards, Inuvialuit Environmental Impact Review Board, Inuvialuit Environmental Impact Screening Committee, Nunavut Impact Review Board, Yukon Environmental and Socio-Economic Assessment Board), Indigenous governments and Indigenous organizations.
- Knowledge of key partners and stakeholders including industry, NGOs, municipal governments, interest groups and other key players.
- General knowledge of IA and environmental securities management regimes nationally and internationally and key factors affecting investment decisions and the NWT's competitive advantages and disadvantages with respect to those factors.
- General knowledge of the types of resource development across sectors, commodities and resources (e.g. mining; oil & gas including pipelines; forestry; agriculture; hydro; geothermal; regional infrastructure including fiber links, highways, marine transportation systems and harbors; tourism; and protected areas development) and associated impacts and mitigation measures that can typically be applied during IA and environmental securities management.



- Superior analytical, interpretative, evaluative and constructive thinking and problem solving abilities are required to manage the intricacies of multi-disciplinary impact assessments in the NWT's integrated resource management system to ensure that technical, legal and constitutional requirements are met for each unique project IA within the applicable IA regime.
- Excellent written and verbal communications skills, including the ability to maintain professional communication in difficult circumstances and the ability to communicate effectively with a range of individuals and groups.
- Highly effective negotiating skills and tact to reach consensus with a wide range of groups that often have directly opposing interests and perspectives on IA and environmental securities issues.
- Demonstrated strategic thinking skills and judgment as well as a demonstrated ability to research, analyze and synthesize multiple concepts and priorities.
- Ability to manage and provide functional leadership to diverse teams.
- Ability to work within a complex, politicized, dynamic and shifting environment and to understand and appreciate political issues.
- Ability to work effectively within a larger Senior Management Team, departmentally, interdepartmentally, and intergovernmentally.
- Ability to communicate and collaborate effectively and represent divisional and department and GNWT interests before a wide range and size of audiences including political, senior officials, scientists and specialists, business leaders, interest groups, communities and the public.
- Ability to use computers and related software such as databases, spreadsheets, word processors, electronic communications, etc.
- Ability to work to deadlines and respond effectively to frequently changing demands.
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion, and cultural awareness, as well as safety and sensitivity approaches in the workplace.

Typically, the above qualifications would be attained by:

A relevant graduate degree or equivalent in disciplines or sub-disciplines of biophysical, natural or social sciences, law, natural resources management, economics, Indigenous studies, or political science plus a minimum of seven years direct experience including at least three years of management experience or equivalent role in providing continuous leadership to working groups and associated financial management responsibilities. PMI Project Management Skills and familiarity with PMBOK techniques would be considered assets.

Equivalent combinations of education and experience will be considered.



ADDITIONAL REQUIREMENTS

Position Security (check one)

- No criminal records check required.
- Position of Trust – criminal records check required.
- Highly sensitive position – requires verification of identity and a criminal records check.

French language (check one if applicable)

- French required (must identify required level below)

Level required for this Designated Position is:

ORAL EXPRESSION AND COMPREHENSION

Basic (B) Intermediate (I) Advanced (A)

READING COMPREHENSION:

Basic (B) Intermediate (I) Advanced (A)

WRITING SKILLS:

Basic (B) Intermediate (I) Advanced (A)

- French preferred

Indigenous language: Select Language

- Required
- Preferred