

PRELIMINARY SCREENING REPORT FORM

PRELIMINARY SCREENER MVLWB REFERENCE / FILE NUMBER: N1L4-1586 TITLE: Water License For Municipal Purposes ORGANIZATION: Yellowknives Dene First Nation	EIRB REFERENCE NUMBER:
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- Type of Development:** (CHECK ALL THAT APPLY)
- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | New |
| <input type="checkbox"/> | Amend, EIRB Ref. # |
| <input checked="" type="checkbox"/> | Requires permit, license or authorization |
| <input type="checkbox"/> | Does not require permit, license or authorization |

Principal Activities (related to scoping)
(CHECK ALL THAT APPLY)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Construction | <input type="checkbox"/> Exploration | <input type="checkbox"/> Decommissioning |
| <input type="checkbox"/> Installation | <input type="checkbox"/> Industrial | <input checked="" type="checkbox"/> Abandonment |
| <input checked="" type="checkbox"/> Maintenance | <input type="checkbox"/> Recreation | <input type="checkbox"/> Aerial |
| <input type="checkbox"/> Expansion | <input checked="" type="checkbox"/> Municipal | <input type="checkbox"/> Harvesting |
| <input checked="" type="checkbox"/> Operation | <input type="checkbox"/> Quarry | <input type="checkbox"/> Camp |
| <input type="checkbox"/> Repair | <input type="checkbox"/> Linear / Corridor | <input type="checkbox"/> Scientific/ |
| <input type="checkbox"/> Research | <input checked="" type="checkbox"/> Sewage | <input checked="" type="checkbox"/> Solid Waste |
| <input checked="" type="checkbox"/> Water Intake | | |
| <input type="checkbox"/> Other: _____ | | |

Principal Development Components (related to scoping)

- | | |
|---|--|
| <input type="checkbox"/> Access Road
<input checked="" type="checkbox"/> construction
<input type="checkbox"/> abandonment/removal
<input type="checkbox"/> modification e.g., widening, straightening
<input type="checkbox"/> Automobile, Aircraft or Vessel Movement
<input type="checkbox"/> Blasting
<input type="checkbox"/> Building
<input checked="" type="checkbox"/> Burning
<input type="checkbox"/> Burying
<input type="checkbox"/> Channeling
<input type="checkbox"/> Cut and Fill
<input type="checkbox"/> Cutting of Trees or Removal of Vegetation
<input checked="" type="checkbox"/> Dams and Impoundments <ul style="list-style-type: none"> <input type="checkbox"/> construction <input type="checkbox"/> abandonment/removal <input type="checkbox"/> modification <input type="checkbox"/> Ditch Construction
<input type="checkbox"/> Drainage Alteration
<input type="checkbox"/> Drilling other than Geoscientific
<input type="checkbox"/> Ecological Surveys
<input checked="" type="checkbox"/> Excavation
<input type="checkbox"/> Explosive Storage
<input type="checkbox"/> Fuel Storage
<input type="checkbox"/> Topsoil, Overburden or Soil <ul style="list-style-type: none"> <input type="checkbox"/> fill <input type="checkbox"/> removal <input type="checkbox"/> disposal <input type="checkbox"/> storage | <input checked="" type="checkbox"/> Waste Management
<input checked="" type="checkbox"/> disposal of hazardous waste
<input checked="" type="checkbox"/> waste generation
<input checked="" type="checkbox"/> Sewage
<input checked="" type="checkbox"/> disposal of sewage
<input type="checkbox"/> Geoscientific Sampling
<input type="checkbox"/> trenching
<input type="checkbox"/> diamond drill
<input type="checkbox"/> borehole core sampling
<input type="checkbox"/> bulk soil sampling
<input type="checkbox"/> Gravel
<input checked="" type="checkbox"/> Hydrological Testing
<input checked="" type="checkbox"/> Site Restoration
<input type="checkbox"/> fertilization
<input type="checkbox"/> grubbing
<input type="checkbox"/> planting/seeding
<input type="checkbox"/> reforestation
<input type="checkbox"/> scarify
<input type="checkbox"/> spraying
<input type="checkbox"/> recontouring
<input type="checkbox"/> Slashing and removal of vegetation
<input type="checkbox"/> Soil Testing
<input type="checkbox"/> Stream Crossing/Bridging
<input type="checkbox"/> Tunneling/Underground
<input type="checkbox"/> Other (describe): |
|---|--|

NTS Topographic Map Sheet Numbers
85J

Latitude / Longitude and UTM System:
62°25' N and 114°20' W

Nearest Community and Water Body:
Dettah / Great Slave Lake

Land Status (*consultation information*)

Free Hold / Private Commissioners Land Federal Crown Land Municipal Land

Transboundary Implications

British Columbia Alberta Saskatchewan Yukon
 Nunavut Wood Buffalo National Park Inuvialuit Settlement Region

Type of Transboundary Implication: Impact / Effect Development

Public Concern _____
(DESCRIBE)

PHYSICAL - CHEMICAL EFFECTS

IMPACT

MITIGATION

1. Ground Water

- water table alteration
- water quality changes
- infiltration changes
- other
- N/A

IMPACT

2. Surface Water

flow or level changes

water quality changes

water quantity changes

Drainage pattern changes

temperature

wetland changes / loss

other:

N/A

IMPACT

3. Noise

noise in/near water

other: noise increase

N/A

MITIGATION

Some concern regarding the seepage from the Sewage treatment facility berm to affect water quality down stream. FSC engineering consultants commented that the original down stream assessment indicated no potential to affect fish habitat. They also indicate that the effluent seeping from the lagoon is will not harm the receiving wetland. The Recommendation is to include a clause to maintain the berm up to engineering standards and that an SNP monitoring station be added to test quality of the seepage.

There is concern regarding windblown waste. The recommendations made include the construction of a debris fence around the waste facility.

Effluent associated with water quality changes described above will also impact the wetland. In many communities in the north, a wetland is part of the sewage treatment process (i.e. the receiving environment). In this case the wetland is along a two hundred (200) metre stretch upstream from Great Slave Lake

MITIGATION

Noise may increase with construction associated with " maintaining the berm up to engineering standards". The noise will be intermittent and no recommendation is offered

IMPACT

4. Land

- geologic structure changes
- soil contamination
- buffer zone loss

- soil compaction & settling
- Destabilization / erosion

- permafrost regime alteration
- other: explosives/scarring
- N/A

MITIGATION

Soil contamination may have already occurred under the current license.

Sewage decanted from the sewage disposal facility may have an impact on the receiving wetland. This process will be continuously monitored as per SNP requirements.

Erosion is unlikely to occur as the sewage lagoon follows a natural watershed pattern. Runoff drainage control is a requirement under the Operations and Maintenance section of the new license.

IMPACT

5. Non Renewable Natural Resources

- resource depletion
- other:
- N/A

MITIGATION

IMPACT

6. Air/Climate/ Atmosphere

- Other

- N/A

MITIGATION

Noxious odors present with the disposal of household sewage. Over the course of the review no public complaints were received regarding the odors. The facility is located sufficiently away from the community.

BIOLOGICAL ENVIRONMENT

IMPACT

1. Vegetation

- species composition
- species introduction
- toxin / heavy accumulation

other:

N/A

MITIGATION

Toxins may accumulate over time within the vegetation. However, the sewage deposited in the Sewage Disposal Facilities is domestic in nature and is not subject to large industrial waste introduction. The community is small and household chemicals introduced to the environment through the deposition of sewage is small.

IMPACT

2. Wildlife & Fish

effects on rare, threatened or endangered species

fish population changes

waterfowl population changes

breeding disturbance

population reduction

species diversity change

health changes
(Identify)

behavioural changes
(Identify)

habitat changes / effects

game species effects

toxins / heavy metals

forestry changes

agricultural changes

other:

N/A

MITIGATION

Concerns from DFO about the existing sewage treatment facility to effect fish habitat. The concerns are related to a seeping berm. Clauses in the license have been added to correct these problems.

Waterfowl are attracted to sewage wetlands. No mitigation offered.

Concerns regarding the introduction of deleterious material into the environment.

INTERACTING ENVIRONMENT

IMPACT

MITIGATION

1. Habitat and Communities

- predator-prey
- wildlife habitat / ecosystem
Composition changes
- reduction / removal of
keystone or endangered
species
- removal of wildlife corridor or
buffer zone
- other:
- N/A

IMPACT

MITIGATION

2. Social and Economic

- planning / zoning changes or
conflicts
- increase in urban facilities or
services use
- rental house
- airport operations / capacity
changes
- human health hazard
- impair the recreational use of
water or aesthetic quality
- affect water use for other
purposes
- affect other land use
operations
- quality of life changes
- public concern
- other:
- N/A

Signs to be erected to inform the public of the waste disposal facility.

IMPACT

MITIGATION

3. Cultural and Heritage

- effects to historic property
- increased economic pressure

on historic properties

change to or loss of historic resources

change to or loss of archaeological resources

increased pressure on archaeological sites

change to or loss of aesthetically important site

affects to aboriginal lifestyle

other:

N/A

NOTES:

The original August 2, 2001 screening form contained the following:

The seepage through the berm does not necessarily have a negative impact on the environment and structural failure is no a concern by the engineer. However, the design of the Sewage Disposal facility does not include the seeping of effluent. Therefore, conditions will contain measures to monitor and maintain design standard but a complete overhaul or relocation of the facility may not be the best option. The proponent's application steers essentially asks the MVLWB to make a judgment as to what prospective design is in the best interests of the Community / Environment. I submit that it is not up to the MVLWB to make this decision; it is the proponent's job to make a case for the best-case scenario and the board to consider it for approval. As a result, I recommend the renewal be exactly what a renewal means, no changes in the scope of the license.

PRELIMINARY SCREENER / REFERRING BODY INFORMATION
(CHECK ALL THAT APPLY)

	RA or DRA	ADVICE	PERMIT REQUIRED
<u>Federal</u>			
ATOMIC ENERGY CONTROL BOARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CANADIAN HERITAGE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CANADIAN TRANSPORTATION AGENCY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENVIRONMENT CANADA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FISHERIES & OCEANS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
INDIAN AFFAIRS & NORTHERN DEVELOPMENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
INDUSTRY CANADA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NATIONAL DEFENSE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NATIONAL ENERGY BOARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NATURAL RESOURCES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PUBLIC WORKS & GOVERNMENT SERVICES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TRANSPORT CANADA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NOGD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Territorial</u>			
RESOURCES, WILDLIFE AND ECONOMIC DEVELOPMENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MUNICIPAL AND COMMUNITY AFFIARS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TRANSPORTATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEALTH BOARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Aboriginal / First Nation</u>			
YELLOWKNIFES DENE FIRST NATION	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

REASONS FOR DECISION
(LIST ALL REASONS AND SUPPORTING RATIONALES FOR PRELIMINARY SCREENING DECISION)

APPLICATION:

- Application was submitted in accordance with Section 6 of the *NWTWA*.
- Notice was given in accordance with Sections 63 & 64 of the *MVRMA* and Section 23 of the *NWTWA*.
- There was no public hearing held in association with this application.

DECISION:

After having been satisfied that the operation had been screened pursuant to the *MVRMA* and the *NWTWA*, that:

- any potential adverse environmental effects were insignificant or mitigable with known technology, and there was no significant public concern, and as such the application could proceed through the regulatory process; and
- after reviewing the submission of the Applicant, the written comments received by the Board, and the staff report prepared for the Board,

the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope and intent of the *MVRMA* and the *NWTWA* and Regulations made thereunder has determined that:

N1L3-1586 be issued subject to the terms and conditions contained therein.

The Board's reasons for this decision are as follows:

Operation

- It is the opinion of the Board that the conditions of N1L4-1586 attached, will significantly reduce the potential environmental impacts of the operation on surrounding waterbodies and operations area.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- Under Section 5 of the *MWTWA*, the Board has determined the Applicant has been notified of their obligation to abide by other legislation associated with this license.
- The use of water proposed by the Applicant is of a nature contemplated by the *MVRMA* and the *NWTWA*.

Consultation

- The MVLWB has consulted with 'Responsible Ministers' as defined under Section 111 of the *MVRMA* and has determined that incorporating aspects of their recommendations into the permitting conditions will decrease the potential for environmental impacts.
- Pursuant to Section 1 (a)(b)(c) and Section 2(a) of the **Dogrib Treaty 11** Claim Interim Provisions Agreement, the MVLWB determined that the Permittee has participated in consultations and due process with respect to the issuance of a land use permit within the subject land use area.

N1L3-1586 contains provisions that the Board feels necessary to ensure and monitor compliance with the *MVRMA* and the *NWTWA* and the Regulations made there under and to provide appropriate safeguards in respect of the Applicant's use of the waters affected by the License. The Board will provide any referenced material or documents and/or reasons for decision for any specific clause or clauses contained within the application if requested to do so in writing.

This development consists of standard land use practices and methods and mitigation measures should address environmental issues in relation to this project. Any other potential impacts are addressed in the Water Licence conditions and should result in this operation having an insignificant environmental impact. Mitigation measures proposed for projected impacts should adequately address environmental impacts related to project activities. Furthermore, no public concern was raised by reviewers or affected first nations.

This project can proceed through the regulatory process.

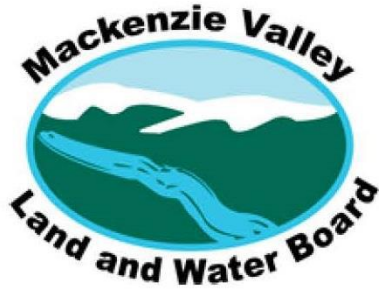
PRELIMINARY SCREENING DECISION	
<input checked="" type="checkbox"/>	Outside Local Government Boundaries
<input type="checkbox"/>	The development proposal might have a significant adverse impact on the environment, <i>refer it to the EIRB.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it to the EIRB.</i>
<input checked="" type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	Wholly within Local Government Boundaries
<input type="checkbox"/>	The development proposal is likely to have a significant adverse impact on air, water or renewable resources, <i>refer it to the EIRB.</i>
<input type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>
<input type="checkbox"/>	The development proposal might have public concern, <i>refer it to the EIRB.</i>
<input type="checkbox"/>	<i>Proceed with regulatory process and/or implementation.</i>

Preliminary Screening Organization

Mackenzie Valley Land and Water Board

Signatures





7th Floor - 4922 48th Street,
P.O. Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

February 13, 2020

File: MV2019L3-0009

Mr. Ryan Peters
Manager, Community and Public Works
Yellowknives Dene First Nation
P.O. Box 2514
Yellowknife NT X1A 2P8

Sent by Email: ryan@ykdene.com

Dear Mr. Peters:

**Issuance of Type B Water Licence MV2019L3-0009
Municipal – Yellowknives Dene First Nation-Dettah**

Attached is Water Licence MV2019L3-0009 granted by the Mackenzie Valley Land and Water Board (MVLWB or the Board) in accordance with the *Mackenzie Valley Resource Management Act* and *Waters Act*. This Licence has been approved for a period of 12 years, effective February 13, 2020 and expiring February 12, 2032.

Conditions and General Procedures

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Licence, the date of this letter, February 13, 2020, is the date of issuance. Also attached is a copy of the *General Procedures for the Administration of Licences in the Northwest Territories*. The MVLWB requests that you review these and address any questions to the Board's office.

Management Plans - Approved

The Board hereby approves the following Plans as summarized in Table 1:

Table 1: Plans that have been approved

Licence Condition	Title of Plan	Date Received	Licence Requirement
Part G, Condition 2	Spill Contingency Plan	September 5, 2019	The Licensee shall comply with the Spill Contingency Plan , once approved.

Management Plans – Resubmission Required

The Board hereby directs the Yellowknives Dene First Nation to **revise and resubmit following Plans within six months of the Licence issuance date (by August 13, 2020):**

1. **Sewage Disposal Facilities Operation and Maintenance Plan** to fulfill Part D, Condition 5 of MV2019L3-0009.

Revisions to the Sewage Disposal Facilities Operations and Maintenance Plan shall be for Board approval, and shall use the most recent version of the Board's *Operation and Maintenance Plan Template for Municipal Water Licences: Sewage Disposal Facilities*.

2. **Solid Waste Disposal Facilities Operation and Maintenance Plan** to fulfill Part D, Condition 10 of MV2019L3-0009.

Revisions to the Solid Waste Disposal Facilities Operations and Maintenance Plan shall be for Board approval, and shall use the most recent version of the Board's *Operation and Maintenance Plan Template for Municipal Water Licences: Solid Waste Disposal Facilities*.

Annual Water Licence Report

Please note that the Board will be expecting the first Annual Water Licence Report for MV2019L3-0009 to be submitted by June 30, 2021 for the period of January 1, 2020 to March 31, 2021, in accordance with Part B, condition 15 and Schedule 1 of the Licence.

Please note that the Board has developed new nomenclature for the Surveillance Network Program (SNP) stations under MV2019L3-0009. Board staff have developed a new SNP map for general reference and community use, and will also develop a concordance table for YKDFN's annual reporting template, which shows the relationships between the old and new station numbers, in order to eliminate confusion.

Operation and Maintenance Plan revisions

Should YKDFN change any operations during the Licence term, they may submit revisions to the appropriate O&M Plan, or apply to amend their Licence. When revised municipal Operation and Maintenance Plan templates are available, YKDFN shall use the newest revisions in their annual Plan updates, as appropriate.

Submission Reminders

Please ensure that changes made to the revised Plans are detailed in a revision summary. Also include a table listing the versions and dates of all Plan submissions, indicating which versions have been approved by the Board. The Board requests that, when additional changes are requested from the Board, details of how the information is provided be included in the covering letter. A concordance table could be used to illustrate how YKDFN has addressed each requested change.

Please refer to Annex B appended to the Water Licence for a summary and timetable of submissions required for this Licence.

The Board anticipates YKDFN's submission of updated Sewage Disposal Facilities As-Built plans and drawings stamped and signed by an Engineer, as required by Part E of MV2019L3-0009.

Public Registry

A copy of this Licence has been filed on the [Public Registry](#) at the office of the MVLWB. Please be advised that this letter, with attached procedures, all inspection reports, and correspondence related thereto is part of the Public Registry and is intended to keep all interested parties informed of the manner in which the Licence requirements are being met. All Public Registry material will be considered if an amendment to the Licence is requested.

Please note that the Board has assigned new nomenclature for the Surveillance Network Program stations under MV2019L3-0009. YKDFN is requested to revise SNP signage as required by Part B, condition 13 of the Licence. GPS coordinates may be collected and noted by an ENR Inspector or community staff if required.

Yellowknives Dene First Nation shall adhere to the commitments made in their responses to reviewer comments dated September 5, 2019 and January 9, 2020. The full cooperation of Yellowknives Dene First Nation is anticipated and appreciated. If you have any questions or concerns, please contact Erica Janes at (867) 766-7466 or email ejanes@mvlwb.com.

Yours sincerely,



Mavis Cli-Michaud
MVLWB, Chair

Copied to: Distribution List
Heather Beck, GNWT-ENR North Slave Region Water Resource Officer

Attached: Water Licence MV2019L3-0009 with SNP map
Reasons for Decision
General Procedures for the Administration of Licences in the Northwest Territories



**Mackenzie Valley Land and Water Board
Water Licence**

Pursuant to the *Mackenzie Valley Resource Management Act*, *Waters Act*, and *Waters Regulations*, the Mackenzie Valley Land and Water Board, hereinafter referred to as the Board, hereby grants to:

Yellowknives Dene First Nation-Dettah
(Licensee)

of _____
Dettah, Northwest Territories
(Mailing Address)

hereinafter called the Licensee, the right to alter, divert, or otherwise use water subject to the restrictions and conditions contained in the *Waters Act* and *Regulations* made thereunder and subject to and in accordance with the conditions specified in this Licence.

Licence Number:	_____ MV2019L3-0009 _____
Licence Type:	_____ B _____
Water Management Area:	_____ Northwest Territories 03 _____
Location:	_____ Dettah, Northwest Territories Sewage Disposal Facilities: 62.43279, -114.29401 Solid Waste Disposal Facilities: 62.424815, -114.308714 _____
Purpose:	_____ To dispose of waste and associated uses _____
Description:	_____ Municipal _____
Quantity of Water not to be exceeded :	_____ N/A _____
Effective date of licence:	_____ February 13, 2020 _____
Expiry date of licence:	_____ February 12, 2032 _____

This Licence issued and recorded at Yellowknife includes and is subject to the annexed conditions.

Mackenzie Valley Land and Water Board

Handwritten signature of Mavis Cli-Michaud in blue ink.

Mavis Cli-Michaud, Chair

Handwritten signature of Amanda Gauthier in black ink.

Amanda Gauthier, Witness

Type B Water Licence MV2019L3-0009
Yellowknives Dene First Nation - Dettah – Municipal

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Schedules

Schedule 1:	Annual Water Licence Report
Schedule 2:	Design and Construction Plan
Schedule 3:	Closure and Reclamation Plan

Annex A: Surveillance Network Program

Part A:	Reporting Requirements
Part B:	Sampling and Analysis Requirements
Part C:	Surveillance Network Program Stations

Annex B: Concordance Table of Items Requiring Submission

Annex C: Revision History Table

Part A: Scope and Definitions

1. Scope:

- a) This Licence entitles the Licensee to dispose of Waste for municipal undertakings at Dettah, Northwest Territories.
- b) This Licence is issued subject to the conditions contained herein with respect to the taking of Water and the depositing of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposit of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Commissioner in Executive Council under the Act, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.
- c) Compliance with the terms and conditions of this Licence does not relieve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial, or municipal legislation.

2. Definitions:

Act – the *Waters Act*, S.G.N.W.T. 2014, C.18.

Analyst – an Analyst designated by the Minister under subsection 84(2) of the Act.

Board – the Mackenzie Valley Land and Water Board established by subsection 99(1) of the *Mackenzie Valley Resource Management Act*.

Construction - any activities undertaken to construct or build any components of, or associated with, the undertaking.

Discharge –the direct or indirect release of any Water or Waste to the Receiving Environment.

Engineered Structure – any structure or facility related to Water Use or the deposit of Waste that is designed by a Professional Engineer, including but not limited to the Water Supply Facilities and Waste Disposal Facilities associated with the undertaking.

Freeboard – the vertical distance between the Water line and the lowest elevation of the effective Water containment crest on the upstream slope of a dam or dyke.

Greywater – all liquid Wastes from showers, baths, sinks, kitchens and domestic washing facilities but does not include Toilet Wastes.

Inspector – an Inspector designated by the Minister under subsection 65(1) of the Act.

Licensee – the holder of this Licence.

Maximum Average Concentration – the running average of any four (4) consecutive analytical results submitted to the Board in accordance with the sampling and analysis requirements specified in the Surveillance Network Program.

Minister – the Minister of the Government of the Northwest Territories – Environment and Natural Resources.

Modification – in respect of a structure, means a change, other than an expansion, that does not alter the purpose or function of that structure.

Professional Engineer – a person registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists in accordance with the territorial *Engineering and Geoscience Professions Act*, and whose principal field of specialization is appropriate to address the components of the undertaking at hand.

Receiving Environment – the natural environment that receives deposit or Discharge of Waste or Water, including runoff, from the undertaking.

Reclamation – activities which facilitate the return of areas affected by the Waste Disposal Facilities to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.

Regulations – Regulations proclaimed pursuant to section 63 of the Act.

Sewage – all Toilet Wastes and Greywater.

Sewage Disposal Facilities – the area and structures designated to contain and treat Sewage.

Solid Waste Disposal Facilities – the area and structures designated to contain solid Wastes.

Spill Contingency Plan – a document, developed in accordance with Aboriginal Affairs and Northern Development Canada's *Guidelines for Spill Contingency Planning*.

Surveillance Network Program – a monitoring program established to define environmental sampling, analysis, and reporting requirements, as detailed in Annex A of this Licence.

Toilet Wastes – all human excreta and associated products not including Greywater.

Unauthorized Discharge – a release or Discharge of any Water or Waste not authorized under this Licence.

Vehicle Storage Compound – temporary storage area for derelict vehicles, separate from the Solid Waste Disposal Facilities.

Waste – any substance defined as Waste by section 1 of the Act.

Waste Disposal Facilities – the area and structures designated for the disposal of Waste, including the Sewage Disposal Facilities, Solid Waste Disposal Facilities, and associated Vehicle Storage Compound.

Water – any Water as defined by section 1 of the Act.

Water Use – a use of Water as defined by section 1 of the Act.

Part B: General Conditions

1. The Licensee shall ensure a copy of this Licence is maintained at the municipal office at all times.
2. The Licensee shall take every reasonable precaution to protect the environment.
3. All references to policies, guidelines, codes of practice, statutes, regulations or other authorities shall be read as a reference to the most recent versions, unless otherwise denoted.
4. All information submitted to the Board for this Licence shall:
 - a) Be submitted in a form acceptable to the Board;
 - b) Be in accordance with the Board's *Document Submission Standards*;
 - c) Include a conformity table, which identifies where the pertinent requirements of the Licence are addressed;
and
 - d) Include a revision history table and summary of the revisions made.
5. The Licensee shall comply with all submissions approved pursuant to the conditions of this Licence, including such revisions made as per the conditions of this Licence, and as approved by the Board.
6. The Licensee shall follow plans approved under Licence MV2009L3-0028 unless and until new or updated plans have been approved by the Board.
7. The Licensee may propose revisions at any time by submitting a revised submission to the Board for approval. All revisions shall be submitted to the Board, for approval, at least 90 days, unless otherwise specified, prior to implementing any proposed updates or changes in the approved submission.
8. If any submission is not approved by the Board, the Licensee shall revise the submission according to the Board's direction and resubmit it for approval.
9. If any date for a submission falls on a weekend or holiday, the Licensee may submit the item on the following business day.
10. The Licensee shall comply with the **Schedules**, which are annexed to, and form part of this Licence, and any changes to the Schedules as may be made by the Board.
11. The Licensee shall comply with the **Surveillance Network Program**, which is annexed to and forms part of this Licence, and any changes to the Surveillance Network Program as may be made by the Board.
12. The Schedules, Surveillance Network Program, and any compliance dates specified in the Licence may be changed at the discretion of the Board.
13. Prior to establishing, activating, or relocating any Surveillance Network Program stations, the Licensee shall post signs to identify the Surveillance Network Program stations. All signs shall be located and maintained to the satisfaction of an Inspector.
14. The Licensee shall install, operate, and maintain meters, devices, or other such methods used for measuring the volumes of Water used and Waste discharged to the satisfaction of an Inspector.
15. Beginning June 30, 2021 and every June 30 thereafter, the Licensee shall submit an **Annual Water Licence Report** to the Board. The Report shall be in accordance with Schedule 1.

Part C: Conditions Applying to Water Use

1. The Licensee shall obtain all Water for municipal purposes from the City of Yellowknife Water Supply Facilities.

Part D: Conditions Applying to Waste Management

1. The Licensee shall manage Waste and Water with the objective of minimizing the impacts of the undertaking on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions.
2. The Licensee shall immediately notify an Inspector of the exceedance of any effluent quality criterion.
3. The Licensee shall not accept Sewage, solid Waste, or contaminated soil from industrial, commercial and institutional operators working outside of the community of the Dettah, unless otherwise authorized in writing by an Inspector.
4. The Licensee shall not accept hazardous Waste from commercial and industrial operators.

Sewage

5. Within six months of the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised **Sewage Disposal Facilities Operation and Maintenance Plan**.
6. The Licensee shall operate and maintain the Sewage Disposal Facilities to prevent structural failure and to the satisfaction of an Inspector.
7. The Licensee shall maintain a Freeboard limit of one metre at the Sewage Disposal Facilities, or as recommended by a Professional Engineer and as approved by the Board.
8. All bagged Toilet Wastes (honey bags) shall be disposed of at the Bagged Toilet Waste Facilities to the satisfaction of an Inspector.
9. The Licensee shall submit written notification to the Board and an Inspector 60 days prior to the removal of sludge from the Sewage Disposal Facilities. The notification shall include the following details: how the sludge will be removed; where the sludge will be deposited; how the sludge will be treated; and final disposal/end use. Sludge removal shall not commence until authorized in writing by an Inspector.

Solid Waste

10. Within six months of the effective date of this Licence, the Licensee shall submit to the Board, for approval, a revised **Solid Waste Disposal Facilities Operation and Maintenance Plan**.
11. The Licensee shall maintain the Solid Waste Disposal Facilities to the satisfaction of an Inspector.
12. The Licensee shall act in accordance with the best practices outlined in Environment and Climate Change Canada's *Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document*.
13. The Licensee is prohibited from incinerating materials at the Solid Waste Disposal Facilities, unless otherwise authorized in writing by an Inspector.

Part E: Conditions Applying to Construction

1. The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Wastes are designed, constructed, and maintained to minimize the escape of Waste to the Receiving Environment.
2. The Licensee shall ensure that all Engineered Structures are constructed and maintained in accordance with the recommendations of the Professional Engineer responsible for the design, including, but not limited to, recommendations regarding field supervision and inspection requirements.
3. The Licensee shall only use material that is clean and free of contaminants and is from a source that has been approved in writing by an Inspector.
4. A minimum of 10 days prior to the commencement of Construction of any structure, the Licensee shall provide written notification to the Board and an Inspector. Notification shall include the name and contact information for the Construction superintendent. Updates shall be provided to the Board and an Inspector in writing as changes occur.
5. A minimum of 90 days prior to the commencement of Construction, the Licensee shall submit to the Board, for approval, a **Design and Construction Plan**, in accordance with Schedule 2.
6. A minimum of 90 days prior to the commencement of Construction of any Engineered Structures, the Licensee shall submit to the Board, **design drawings** stamped and signed by a Professional Engineer.
7. The Licensee shall ensure that all Engineered Structures are constructed in accordance with the applicable Design and Construction Plan and design drawings.
8. Within 90 days of the completion of the Construction of each Engineered Structure, the Licensee shall submit to the Board, an **As-built Report**, stamped and signed by a Professional Engineer, which shall include, but not be limited to, the following information:
 - a) Final as-built drawings of the Engineered Structures, stamped and signed by a Professional Engineer;
 - b) Documentation of field decisions that deviated from the Design and Construction Plan; and
 - c) Any data used to support these decisions.

Part F: Conditions Applying to Modifications

1. The Licensee may carry out a Modification to an existing or planned structure, without written approval from the Board, provided the proposed Modification is not an expansion, does not alter the purpose or function of the structure, and the following requirements are met prior to beginning the Modification:
 - a) The Licensee shall provide written notification to the Board and an Inspector a minimum of 60 days prior to beginning the Modification;
 - b) An Inspector has provided written notification to the Board authorizing the proposed Modification;
 - c) The Board has not informed the Licensee that additional information is required;
 - d) The Board has not informed the Licensee that additional time is required to review the proposed Modifications; and
 - e) The Board has not rejected the proposed Modification.
2. The Licensee may only carry out a Modification that does not meet Part F, condition 1 with written approval from the Board.
3. Within 90 days of the completion of the Modification referred to in Part F, condition 1, the Licensee shall submit to the Board an **As-built Report**, stamped and signed by a Professional Engineer, which shall include final as-built drawings and specifications of the modified structure.

Part G: Conditions Applying to Spill Contingency Planning

1. The Licensee shall ensure that Unauthorized Discharges associated with municipal undertakings do not enter any Waters.
2. The Licensee shall comply with the **Spill Contingency Plan**, once approved.
3. If, during the period of this Licence, a spill or an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:
 - a) Implement the approved Spill Contingency Plan;
 - b) Immediately report it using the NU-NT Spill Report Form using one of the following methods:
 - i. Telephone: (867) 920-8130
 - ii. Fax: (867) 873-6924
 - iii. Email: spills@gov.nt.ca
 - iv. Online: Spill Reporting and Tracking Database
 - c) Within 24 hours, notify the Board and an Inspector; and
 - d) Within 30 days of initially reporting the incident, submit a detailed report, including descriptions of causes, response actions, and any changes to procedures to prevent similar occurrences in the future, to the Board and an Inspector. Any updates to this report shall be provided to the Board and an Inspector in writing as changes occur.
4. The Licensee shall ensure that adequate spill prevention infrastructure and spill response equipment is available.
5. The Licensee shall restore all areas affected by spills and Unauthorized Discharges to the satisfaction of an Inspector.

Part H: Conditions Applying to Closure and Reclamation

1. The Licensee shall carry out progressive Reclamation of disturbed areas as soon as is reasonably practical.
2. Six months prior to the closure and reclamation of any specific facility included in the scope of the Licence, the Licensee shall submit to the Board, for approval, a facility-specific **Closure and Reclamation Plan**. The Plan shall be in accordance with Schedule 3.

Signed the behalf of the Mackenzie Valley Land and Water Board



Mavis Cli-Michaud, Chair



Amanda Gauthier, Witness

Schedule 1
Annual Water Licence Report

1. The **Annual Water Licence Report** referred to in Part B, condition 15 of this Licence shall cover the previous fiscal year (April 1 through March 31), and shall include, but not be limited to, the following information:
 - a) The monthly and annual quantities in cubic metres of potable water purchased from the City of Yellowknife;
 - b) The monthly and annual quantities in cubic metres of each and all Waste discharged to the Waste Disposal Facilities, by location;
 - c) The monthly and annual quantities in cubic metres of Waste removed from the Waste Disposal Facilities, identified by disposal location;
 - d) A summary of sludge management activities including results of depth and volume measurements, sludge removal and treatment;
 - e) The monthly and annual quantities of all Sewage and solid Waste deposited into the Waste Disposal Facilities by commercial and industrial operators working outside the local government boundaries of Dettah, as authorized in writing by an Inspector;
 - f) Tabular summaries of all data generated under the Surveillance Network Program referred to in Part B, condition 11 of this Licence;
 - g) A summary of Construction activities conducted in accordance with Part E of this Licence;
 - h) A summary of Modification activities conducted on the Waste Disposal Facilities, including all associated structures, in accordance with Part F of this Licence;
 - i) A summary of maintenance activities conducted in accordance with this Licence;
 - j) A summary of activities conducted in accordance with the approved Spill Contingency Plan, required in Part G, condition 2 of this Licence, including:
 - a. A list and description of all Unauthorized Discharges, including the date, NWT spill number, volume, location, summary of the circumstances and follow-up actions taken, and status (i.e., open or closed), in accordance with the reporting requirements referred to in Part G, condition 3 of this Licence; and
 - b. An outline of any spill training and communications exercises carried out during the previous calendar year;
 - k) A summary of any closure and reclamation work completed during the year;
 - l) A summary of any updates or revisions to the Spill Contingency Plan, Management Plans and Operation & Maintenance Plans;
 - m) A summary of any studies requested by the Board that relate to Waste disposal or Reclamation, and a brief description of any future studies planned;
 - n) A summary of actions taken to address concerns, non-conformances, or deficiencies in any reports filed by an Inspector; and
 - o) Any other details requested by the Board on or before February 1 of the year being reported.

Schedule 2
Design and Construction Plan

1. The **Design and Construction Plan** referred to in Part E, condition 5 of this Licence shall include, but not be limited to, the following information:
 - a) A description of the facilities to be constructed, including proposed locations;
 - b) Relevant background information, which may include the following: population projections; constraint mapping including areas of local importance; drainage patterns; climate; geotechnical investigations; hydrogeological investigations; and any other relevant information, as deemed adequate by the Professional Engineer responsible for the design;
 - c) For Sewage Disposal Facilities, a description of the process design, which may include expected influent and effluent qualities, and decant procedures;
 - d) Design characteristics of materials required for Construction; and
 - e) Construction considerations, including timing, sequencing, and a schedule.

Schedule 3
Closure and Reclamation Plan

1. With regard to Solid Waste Disposal Facilities being closed, the **Closure and Reclamation Plan** referred to in Part H shall include, but not be limited to, the applicable contents of Tables 8.1 and 8.2 of Environment and Climate Change Canada's *Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document*.
2. With regard to Sewage Disposal Facilities being closed, the Closure and Reclamation Plan referred to in Part H shall include, but not be limited to:
 - a) Logistical and financial considerations;
 - b) Intended future use of the land after closure;
 - c) Remediation of contaminated material;
 - d) As-built drawings of the entire wastewater treatment facility, including an accurate plot plan,
 - e) Geographic positioning systems coordinates, and permanent location markers;
 - f) Soil testing results from lagoon and wetland areas;
 - g) Contaminated site remediation, if required, such as removal of contaminated soil from unlined lagoon and wetland;
 - h) Removal of equipment and structures that will not be used during the closure phase;
 - i) Consideration for altered drainage patterns;
 - j) Choice of capping material, and availability;
 - k) Cover monitoring for stability, erosion, and settlement;
 - l) Post-closure monitoring plan of sludges, sediments, surface water, groundwater, and erosion to ensure that the site does not pose unacceptable risks to human or environmental health;
 - m) Environmental management systems (if necessary) for leachate, groundwater, and surface water; and
 - n) Signage installation indicating closure in progress, and facility no longer accepting wastewater.

Annex A: Surveillance Network Program (SNP)
Annexed to Water Licence MV2019L3-0009 Part B, condition 11
Yellowknives Dene First Nation-Dettah

Table of Contents:

Part A: Reporting Requirements

Part B: Sampling and Analysis Requirements

Part C: Surveillance Network Program Station Descriptions

Part A: Reporting Requirements

1. The effective date of this Surveillance Network Program is February 13, 2020.
2. The Licensee shall include all of the data and information required in Part C of this Annex in the Annual Water Licence Report, as specified in Part B, condition 15 of this Licence.
3. The Licensee shall also provide SNP data at other times, if requested by an Inspector or the Board.

Part B: Sampling and Analysis Requirements

1. More frequent sample collection or provision of data may be required at the request of an Inspector.
2. The location of sampling sites is subject to the approval of an Inspector. The Licensee shall work with an Inspector to determine suitable locations for sampling sites.
3. All sample collection, sample handling, and analyses shall be conducted in accordance with methods prescribed in the current edition of American Public Health Association's (APHA) *Standard Methods for the Examination of Water and Wastewater* at the time of analysis, or by other such methods approved by an Analyst.
4. All analyses shall be performed in a laboratory accredited by the Canadian Association for Laboratory Accreditation (CALA) for the specific analyses to be performed or as approved by an Analyst.

Part C: SNP Station Descriptions and Monitoring Requirements

SNP station	Location	Sampling Frequency	Sampling Parameters	Rationale
2020-1	Inside lagoon, adjacent to exfiltration berm	Once per month during periods of flow	pH, CBOD, Total Suspended Solids, Ammonia, Total Phosphorus, Nitrate, Nitrite, Fecal Coliforms, Oil and Grease	To monitor wastewater treatment prior to discharge through the exfiltration berm.
2020-2	Outside lagoon, adjacent to exfiltration berm	Once per month during periods of flow	pH, CBOD, Total Suspended Solids, Ammonia, Total Phosphorus, Nitrate, Nitrite, Fecal Coliforms, Oil and Grease	To monitor effluent quality from the Sewage Disposal Facilities.
2020-3	Point of discharge of the drainage channel from the Sewage Disposal Facilities to Duck Lake	Once per month during periods of flow	pH, CBOD, Total Suspended Solids, Ammonia, Total Phosphorus, Nitrate, Nitrite, Fecal Coliforms, Oil and Grease	To monitor final effluent quality from the Sewage Disposal Facilities prior to discharge to the Receiving Environment.
2020-4	Ponded water outside the perimeter fence and to the west of the Solid Waste Disposal Facilities	Twice per year, once in spring and once in fall, during periods of flow	pH, Total Metals ¹ , Total Suspended Solids, Total Petroleum Hydrocarbons, Major Ions ² , Total Dissolved Solids, COD, Ammonia, Total Phosphorus	To monitor run-off at the Solid Waste Disposal Facilities

Signed on behalf of the Mackenzie Valley Land and Water Board

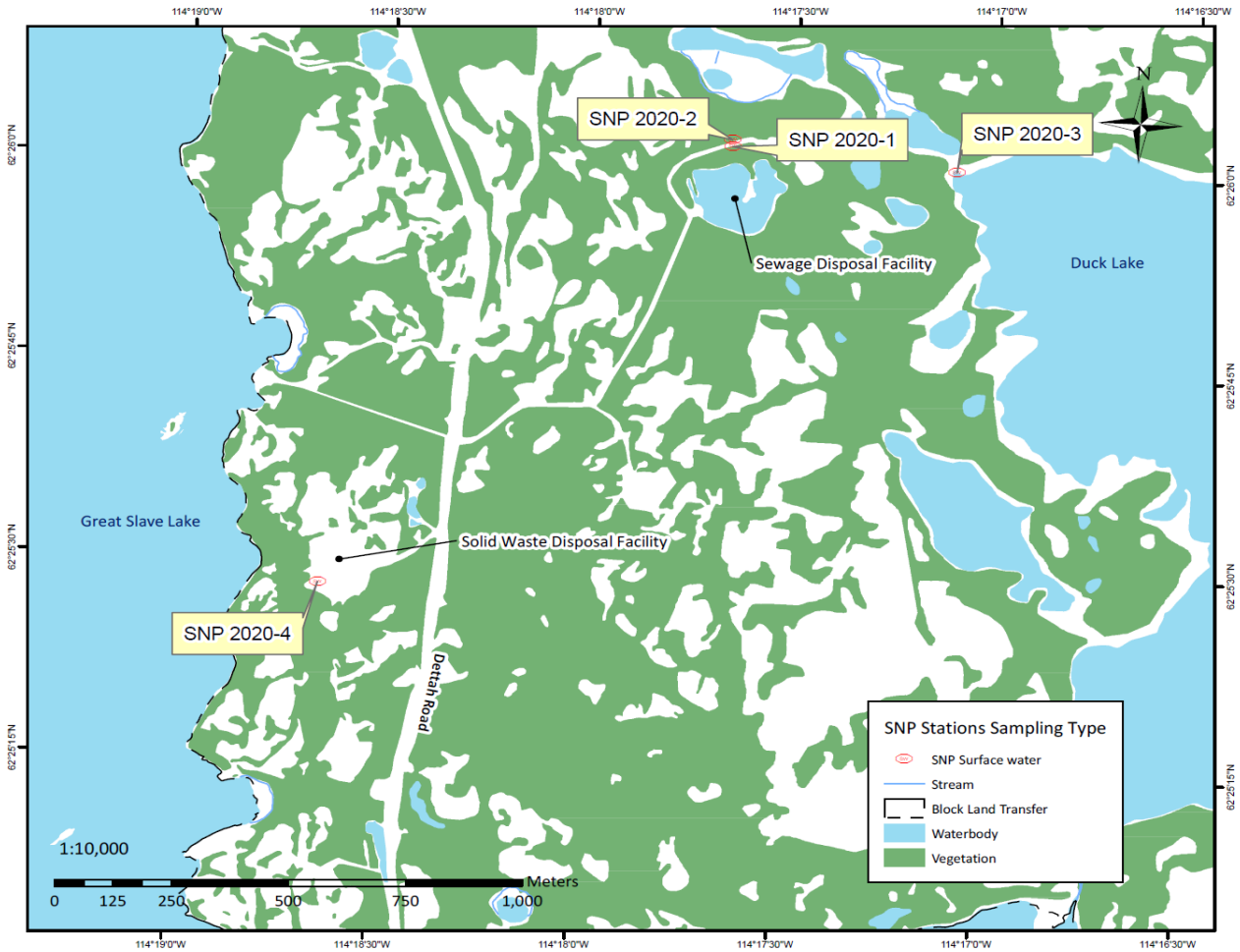
Mavis Cli-Michaud, Chair

Witness

¹ **Total Metals** shall include, at a minimum, the following parameters: Aluminum, Antimony, Arsenic, Barium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Molybdenum, Nickel, Selenium, Thallium, Uranium, and Zinc.

² **Major Ions** shall include, at a minimum, the following parameters: Calcium, Magnesium, Sodium, Potassium, Chloride, Sulphate, Nitrate and Nitrite.

Community of Dettah Surveillance Network Program (SNP) MV2019L3-0009



ID	Taiga Lab Colour Codes	SNP 2020-1 (1586-4)	SNP 2020-2 (1586-1)	SNP 2020-3 (1586-2)	SNP 2020-4 (1586-3)
Frequency		During periods of flow, samples shall be collected once per month	During periods of flow, samples shall be collected once per month	During periods of flow, samples shall be collected once per month	Once in spring and once in fall each year during periods of flow
Effluent Quality Criteria (EQC)					
Parameters					
CBOD	Purple	✓	✓	✓	✓
Ammonia (NH ₃ -N)	Black	✓	✓	✓	✓
Total Suspended Solids (TSS)	Black	✓	✓	✓	✓
Total Dissolved Solids (TDS)	Black				✓
COD	Black				✓
Total Phosphorous (TP)	Black	✓	✓	✓	
Faecal Coliforms (FC)	STERILE	✓	✓	✓	
Calcium (Ca)	Green				✓
Magnesium (Mg)	Green				✓
Total Nitrite (NO ₂) + Nitrate (NO ₃)	Green	✓	✓	✓	✓
pH	Green	✓	✓	✓	✓
Potassium (K)	Green				✓
Sodium (Na)	Green				✓
Sulphate (SO ₄)	Green				✓
Chloride	Green				✓
Oil and Grease (O+G)	Yellow	✓	✓	✓	
Total Petroleum Hydrocarbons	Yellow				✓
Total Metals*	Red				✓

*Total Metals shall include, at a minimum, the following parameters: Aluminum, Antimony, Arsenic, Barium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Molybdenum, Nickel, Selenium, Thallium, Uranium, and Zinc.

Map Description:
This map demonstrates the Surveillance Network Program (SNP) stations for the Community of Dettah Municipal Water Licence MV2019L3-0009.

This map is for illustrative purposes only. This is not a legal document and should not be treated as such.

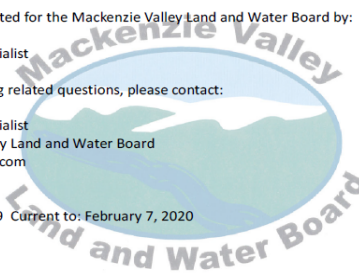
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 Projection: Lambert Conformal Conic
 Datum: North American 1983
 False Easting: 0.0000
 False Northing: 0.0000
 Central Meridian: -112.0000
 Standard Parallel 1: 62.0000
 Standard Parallel 2: 70.0000
 Latitude Of Origin: 0.0000
 Units: Meter

Map Produced: Based on Water Licence Issuance at February 7, 2020
 Data Source: MACA (accessed Nov 21, 2016)

This map is created for the Mackenzie Valley Land and Water Board by:
 Jacqueline Ho
 Regulatory Specialist

For any mapping related questions, please contact:
 Erica Janes
 Regulatory Specialist
 Mackenzie Valley Land and Water Board
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MV2019L3-0009 Current to: February 7, 2020



**Annex B:
Concordance Table of Items Requiring Submission for Water Licence
MV2019L3-0009**

This table summarizes the information the Licensee is required to submit as per the Water Licence conditions. It supplements the Water Licence. If there are any discrepancies between this table and the body of the Water Licence, the Water Licence conditions prevail.

Table 1: Concordance Table of Items Requiring Submission

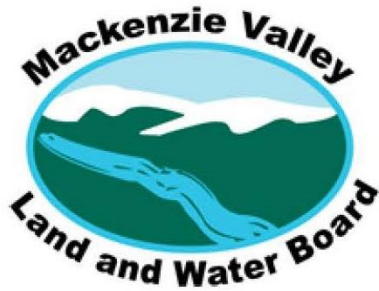
Part of Licence	Item	Timeline
Part B, condition 7	Submit revisions to submissions for Board approval (Plans, reports).	At any time, but at least 90 days prior to implementing any proposed updates or changes in the approved submission.
Part B, condition 13	Post signage to identify Surveillance Network Program stations (located and maintained to satisfaction of an Inspector).	Prior to establishing, activating or relocating any SNP stations.
Part B, condition 15 and Schedule 1, condition 1	Submit Annual Water Licence Report (covering the previous fiscal year, April 1 through March 31)	Beginning June 30, 2021 and every June 30 thereafter.
Part D, condition 5	Submit revised Sewage Disposal Facilities Operation and Maintenance Plan, for Board approval	Within six months of issuance (by August 13, 2020).
Part D, condition 10	Submit revised Solid Waste Disposal Facilities Operation and Maintenance Plan, for Board approval	Within six months of issuance (by August 13, 2020).
Part E, condition 4	Provide written notification of Construction to the Board and an Inspector	Minimum of 10 days prior to commencement of Construction.
Part E, condition 5 and Schedule 2, condition 1	Submit Design and Construction Plan for Board approval	Minimum of 90 days prior to commencement of Construction.
Part E, condition 6	Submit design drawings to the Board	Minimum of 90 days prior to commencement of Construction of any Engineered Structures.
Part E, condition 8	Submit As-built Reports for Construction to the Board	Within 90 days of the completion of Construction of an Engineered Structure.
Part F, condition 1	Submit written notification of a Modification to the Board and an Inspector	Minimum of 60 days prior to beginning the Modification.

Part F, condition 3	Submit As-Built Reports for Modifications to the Board	Within 90 days of completion of the Modification.
Part G, condition 3	Submit detailed report of spill/incident to the Board and an Inspector	Within 30 days of initially reporting the spill/incident.
Part H, condition 2 and Schedule 3, condition 1	Submit facility-specific Closure and Reclamation Plan to the Board for approval	Six months prior to the closure and reclamation of any specific facility included in the scope of the Licence.

**Annex C:
Revision History Table**

Table 1: Updates and changes that have been made to the Water Licence since issuance.

Date	Location of change	Description of change
-	-	-



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P.O. Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610
www.mvlwb.com

Reasons for Decision

Issued pursuant to
Sections 72.25 and 121 of the *Mackenzie Valley Resource Management Act* (MVRMA) and
Section 54 of the *Waters Act*

Water Licence Application	
Preliminary Screener	MVLWB
File Number	MV2019L3-0009
Company	Yellowknives Dene First Nation - Dettah
Project	Municipal operations, Dettah, NT
Date of Decision	February 7, 2020

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These Reasons for Decision set out the Mackenzie Valley Land and Water Board’s (the MVLWB/Board) regulatory process and decisions on the Application made by the Yellowknives Dene First Nation community of Dettah (YKDFN-Dettah) to the Board on July 15, 2019 for Water Licence (Licence) MV2019L3-0009 for the use of water and disposal of waste associated with the community of Dettah, NT.

A summary of the Application is provided in Section 2 below, followed by the regulatory process in Section 3. Section 4 describes the legislative requirements applicable to this regulatory process, leading to the Board’s decisions with supporting rationale in Section 5.

1.0 List of Abbreviations

Applicant	Yellowknives Dene First Nation community of Dettah (YKDFN-Dettah)
Application	YKDFN’s submissions in support of Water Licence MV2019L3-0009
GNWT	Government of the Northwest Territories
GNWT-ENR	Government of the Northwest Territories – Environment and Natural Resources
INAC	Indian and Northern Affairs Canada
Inspector	Government of the Northwest Territories – Environment and Natural Resources – Water Resource Officer (Inspector)
Intervenor	A reviewing Party that submits an intervention
Licence	Water Licence MV2019L3-0009
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
Party	As per the Board’s <i>Rules of Procedures</i>
Reviewer	As per the Board’s <i>Rules of Procedures</i>
YKDFN	Yellowknives Dene First Nation

2.0 Summary of Application

On July 15, 2019, YKDFN submitted an Application for a new Licence MV2019L3-0009.¹ This Application is to dispose of Waste for municipal undertakings at Dettah, Northwest Territories. These activities are located on municipal land in a non-Federal area. Dettah has a population of approximately 230 people and previously held Licence MV2009L3-0028 (issued March 4, 2010 and expires March 3, 2020) for their municipal operations. During the term of Licence MV2009L3-0028, YKDFN was required to cease drawing water from their Water Supply Facilities and begin using treated water from the City of Yellowknife’s Water Supply Facilities²; as such, the Application for MV2019L3-0009 does not include use of water.

2.1 Distribution List

This document uses the term “distribution list” for the list of parties with whom materials from this regulatory process were circulated. As these municipal undertakings are in the Akaitcho Territory, the appropriate core organizational reviewers, governments, First Nations, and Aboriginal organizations were included in the distribution list. The distribution list was periodically updated, and (when requested) individuals with specific interests in the municipal undertakings were also added to the distribution list.

¹ See [Application for Water Licence MV2019L3-0009](#) , submitted to the MVLWB on July 15, 2019.

² See [August 2, 2016 email confirmation from GNWT Chief Environmental Health Officer](#)

3.0 Regulatory Process

On July 15, 2019, YKDFN submitted an Application for a new Licence MV2019L3-0009. By July 17, 2019, Board staff determined that the information provided in the Application Package had satisfactorily fulfilled the requirements outlined in the MVLWB *Guide to Completing Water Licence Applications*³, and as required by section 72.21 of the MVRMA and section 34 of the *Waters Act*; the Application was deemed complete.

Following the completeness check, the Application was circulated for public review to fulfill sections 63, 64, and 69 of the MVRMA. The public review commenced on July 17, 2019 and was distributed using the Board's Online Review System (ORS) to the Akaitcho distribution list and municipal rule.⁴ This list includes the appropriate core organizational reviewers, government departments and agencies, First Nations, Aboriginal organizations, and the landowner for the area. Distribution of the Application via the ORS advised the parties that the Application was in the form and contained the information required, and that the regulatory process would proceed.

Reviewers were reminded that by submitting comments and recommendations to the ORS, individuals and/or their organization would become a Party to the Proceeding and, as such, were expected to follow the MVLWB *Rules of Procedure*.⁵ Reviewers were encouraged to consider providing an overarching recommendation regarding whether they are in support of the Application, and to provide context, evidence, and arguments to assist the Board with its decisions on the Application and preliminary screening, as required under the Preliminary Screening Requirement Regulations annexed to the MVRMA.

A public notice of the Application and the public hearing was published in *News North* during the week of July 22, 2019 to fulfill paragraphs 41(1)(a) and 43(2)(a) of the *Waters Act*.⁶

By August 13, 2019, comments and recommendations regarding the Application were received by the Board from GNWT-ENR and Board staff⁷. On September 5, 2019, YKDFN responded to the parties' comments and recommendations.⁸

On October 28, 2019, Board staff hosted a technical workshop in Dettah to discuss and seek clarity on issues raised by parties and Board staff, and to provide an opportunity to discuss the Application in advance of parties submitting comments and recommendations to the Board. Workshop attendees included representatives from the Government of the Northwest Territories Department of Environment and Natural Resources (GNWT-ENR), the Government of the Northwest Territories Department of

³ The MVLWB [Guide to Completing Water Licence Applications](#) (October 2003) is available at mvlwb.com, by clicking on the red 'Apply for a Permit/Licence' button → Water Licence Applications → Guide to Completing Water Licence Applications.

⁴ See MVLWB [Online Registry for MV2019L3-0009](#) - Staff Report and Comments: Issuance

⁵ The MVLWB *Rules of Procedure* (December 2018) is available at www.mvlwb.com under the Resources tab → Rules of Procedure.

⁶ See [Notice of Application](#) dated June 3, 2019.

⁷ See MVLWB [Online Registry for MV2019L3-0009](#) - Staff Report and Comments: Issuance.

⁸ Ibid.

Municipal and Community Affairs (GNWT-MACA), Yellowknives Dene First Nation and Board staff.⁹ Summary notes from the workshop were circulated to the distribution list of November 13, 2019.¹⁰

On November 13, 2019, Board staff circulated draft Licence conditions to parties for review and comment. GNWT-ENR responded by December 5, 2019¹¹. YKDFN responded to all the parties' comments and provided comments of their own on January 9, 2020¹².

On February 7, 2020, the Board met to make decisions regarding the Application.

4.0 Legislative Requirements

In conducting the review process for the Application as described in Sections 2 and 3 above, the Board has ensured that all applicable legal and procedural requirements have been satisfied, as required by section 62 of the MVRMA and as outlined below.

4.1 General

The use of water and the deposit of waste proposed is of a nature contemplated by the MVRMA and the *Waters Act*. As these municipal undertakings are located on a Non-Federal Area, the MVRMA and *Waters Act* apply.

4.2 MVRMA Part 3: Duty to Consult

In exercising its authority under the MVRMA, generally, the Board must ensure that the concerns of Aboriginal people have been taken into account as per paragraph 114(c) of the MVRMA. It must also consider the importance of conservation to the well-being and way of life of Aboriginal peoples of Canada, as per paragraph 60.1(a) of the MVRMA, specifically those to whom section 35 of the *Constitution Act, 1982* applies and who use an area of the Mackenzie Valley. Accordingly, the Board works with applicants, affected parties (including Aboriginal organizations/governments), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects are understood and carefully considered before decisions are made with respect to the issuance of Licences.

In order to address the question of Aboriginal consultation it is first helpful to understand the general process through which the Board considers an application.¹³ Following the initiation of engagement and the submission of an application, a proposed project goes through several stages in the Board's approval process. The application is reviewed to ensure that all necessary information is included, to confirm that the right type of Licence have been applied for, and that Aboriginal communities and organizations were engaged throughout this review, and had opportunities to participate in, and review the various public products of the Board's process. The Board's Engagement Policy does not require municipalities to conduct pre-application engagement. However, parties are notified of the Application through newspaper advertisements and via the ORS.

⁹ See [Technical workshop – Sign-in Sheet](#), dated October 28, 2019.

¹⁰ See Technical workshop – [Meeting Summary Notes](#), dated October 28, 2019.

¹¹ See See MVLWB [Online Registry for MV2019L3-0009](#) - Staff Report and Comments: Issuance.

¹² Ibid.

¹³ See www.mvlwb.com → Resources → Policies and Guidelines: [Guide to Completing Water Licence Application to the Mackenzie Valley Land and Water Board](#) (2003).

4.2.1 Distribution List

The application and supporting documents are uploaded to the Board’s webpage and then an application package is distributed to stakeholders including: appropriate federal and territorial government departments and agencies; land owners; affected communities and Aboriginal organizations; Renewable Resource Boards; heritage regulators; and other interested parties. Table 1 below identifies the Distribution List that the Board used for this regulatory process.

Table 1: Organizations on the Distribution List for Application for Licence MV2019L3-0009

Akaiitcho IMA Implementation Office
Bathurst Inlet Development Ltd.
Bathurst Inlet Lodge
BNT Gold Resources Ltd.
CanNor NWT Region
City of Yellowknife
Dene Nation
Deninu K'ue First Nation
Det'on Cho Corporation
Environment and Climate Change Canada
Fisheries and Oceans Canada
Fort Resolution Metis Council
Forward Mining
GNWT - ECE
GNWT - ENR
GNWT – ENR – North Slave Region
GNWT – ENR – South Slave Region – Fort Smith
GNWT – Health
GNWT-INF
GNWT-ITI
GNWT-Lands
GNWT-Lands – Hay River Region
GNWT-Lands – North Slave Region
GNWT-Lands – South Slave Region – Fort Smith
GNWT-MACA
Golder Associates
Hamlet of Fort Resolution
INAC-CARD
INAC - NWT Inspectors
INAC - Yellowknife
Kátłó'deeche First Nation
Łutsel K'e Dene First Nation
Łutsel K'e Dene First Nation - Chief or Wildlife, Lands and Environment
Mackenzie Valley Environmental Impact Review Board
Manitoba Denesuline
MVLWB
North Slave Métis Alliance
Northwest Territory Métis Nation
NWT & Nunavut Chamber of Mines
NWT- OROGO (Office of the Regulator of Oil and Gas Operations)
Salt River First Nation

Smith's Landing First Nation
Snap Lake Environmental Monitoring Agency
Tłjchq Government
Tłjchq Government Lands Regulatory
Tłjchq Lands Protection Department
Town of Fort Smith
Town of Hay River
Wek'èezhì Renewable Resources Board
Wek'èezhì Land and Water Board
West Point First Nation
Wood PLC
Yellowknives Dene First Nation

The Board requested that reviewers provide comments with respect to the Application and associated management plans. For a Type B Licence, as was the case in this Application, within nine months the Board shall make a decision. When the review is completed, comments are forwarded to the applicant for a response.

The Application is then assessed to determine if it they are exempt from Part 5 of the MVRMA: if not, then the Application goes to preliminary screening. Details relating to preliminary screening are outlined below in Section 4.4.1 (MVRMA Part 5).

4.3 MVRMA Part 3 and 4 and Waters Act: Land and Water Regulation and MVLWB

The use of water, and the deposit of waste proposed is of a nature contemplated by the MVRMA and the Waters Act. The Board has jurisdiction to issue this Licence under subsection 60(1.1) and section 102 of the MVRMA.

4.3.1 General

The Board has considered the people and users of the Mackenzie Valley, and any traditional knowledge and scientific information that was made available to it during this regulatory proceeding, as per section 60.1 of the MVRMA.

4.3.2 Public Notice

Notice and copies of the Application was given to fulfill section 62 and 63 of the MVRMA. The Board is satisfied that a reasonable amount of time was given to communities, First Nations, and the public to participate in this regulatory process by making submissions to the Board.

4.3.3 Existing Licences

With respect to paragraph 26(5)(a) of the *Waters Act*, no other Licensees contacted the Board during the statutory period, and there are no applicants with precedence in the watershed as per subsection 72.26(1) of the MVRMA/59(1) of the *Waters Act*. The Board is satisfied that the granting of this Licence will not adversely affect, in a significant way, any existing Licensee if compliance with the Licence occurs.

4.3.4 Compensation to Existing Water Uses

Paragraph 26(5)(b) of the *Waters Act* prohibits the issuance of the Licence unless the Board is satisfied that appropriate compensation has been or will be paid by the applicant to persons who would be adversely affected by the use of waters, or deposit of waste proposed by the applicant, at the time when the applicant filed its Application with the Board.

The Board received no claims for compensation either during the prescribed period or afterwards. Provided compliance with the Licence conditions takes place, the Board finds that there are no water users or persons listed in paragraph 26(5)(b) of the *Waters Act* who will be adversely affected by the use of waters or the deposit of waste proposed.

4.3.5 Water Quality Standards

With regards to subparagraph 26(5)(c)(i) of the *Waters Act*, the Board is satisfied that compliance with the Licence conditions will ensure that waste will be collected and disposed of in a manner which will maintain water quality consistent with applicable standards and the Board's *Water and Effluent Quality Management Policy*. These are discussed further in Section 5.5 of these Reasons for Decision (Part D of the Licence: Conditions Applying to Waste Management).

4.3.6 Effluent Quality Standards

There are no effluent quality standards prescribed in the Waters Regulations. The Board has considered its *Water and Effluent Quality Management Policy* to be protective of the receiving waters and environment. The Board is satisfied that compliance with the Licence conditions will protect the receiving waters and environment. These are further discussed in Section 5.5 of these Reasons for Decision (Part D of the Licence: Conditions Applying to Waste Management).

4.3.7 Financial Responsibility

The Board must satisfy itself of the financial responsibility of Yellowknives Dene First Nation under paragraph 26(5)(c) of the *Waters Act* before it can issue the Licence. The Board is confident that YKDFN is capable of meeting any financial obligations set out in subparagraph 26(5)(c) of the the *Waters Act* and the Licence concerning the use of Water and deposit of Waste for municipal purposes at Dettah.

4.3.8 Minimization of Adverse Effects

With regards to subsection 27(2) of the *Waters Act*, it is the opinion of the Board that compliance with the Licence will ensure that any potential adverse effects on other water users, which might arise because of the issuance of the Licence, will be minimized.

4.3.9 Time Limit

The Board is satisfied it has adhered to section 48(1) of the *Waters Act*, which requires it to make a decision within a period of nine months after the day on which an application is made or a notice advertised as per subsections 43(1) and 43(2) of the *Waters Act*.

4.4 MVRMA Part 5: Environmental Review

4.4.1 Preliminary Screening

A preliminary screening was approved on August 2, 2001 at the issuance of previous Licence N1L3-1586. At the issuance of Licence MV2009L3-0028 on March 4, 2010, the Board confirmed exemption from Preliminary Screening, based on the scope of the project not having been modified, and having been previously screened as per the Application and the additional information provided by YKDFN during the public review of their Application for MV2019L3-0009. The scope of the development has not changed from what is included in the 2001 Preliminary Screening. However, due to the age of the 2001 Preliminary Screening, the Board moved to approve several administrative updates to the 2001 Preliminary Screening Report Form, including the spelling of 'Dettah' and an accurate reflection of current land tenure.

On February 7, 2020, the Board met and confirmed the activities associated with the Application were exempt from preliminary screening based on Schedule 1, Part 1, section 2 of the Exemption List Regulations annexed to subsection 143(1) of the *Mackenzie Valley Resource Management Act*¹⁴. Consequently, no preliminary screening was conducted.

5.0 Decision – Water Licence MV2019L3-0009

In making its decision and preparing these Reasons for Decision, the Board has reviewed and considered:

- 1) The comments and recommendations made during the regulatory processes;
- 2) The evidence and submissions from Yellowknives Dene First Nation received by the Board;
- 3) The written comments and submissions from parties received by the Board; and
- 4) The Staff Report prepared for the Board.

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and the *Waters Act*, the Board has determined that Licence MV2019L3-0009 should be issued subject to the scope, definitions, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The scope, definitions, conditions, and term set forth in the Licence have been developed to address the Board's statutory responsibilities and the concerns that arose during the regulatory process. The Reasons for Decision set out below focus on the major concerns and issues raised by parties, including those that were the subject of substantive argument submitted by one or more parties. They also address evidence which resulted in the inclusion of new or revised conditions that differ from those in the existing Licence MV2009L3-0028.

The format of the Licence has been reorganized from Licence MV2009L3-0028. These changes modernize the Licence and enhance its consistency with other municipal licences in the Northwest Territories.¹⁵ Site-specific conditions were developed where necessary.

¹⁴ See MVLWB [Online Registry for MV2019L3-0009](#) – Issuance Reasons for Decision

¹⁵ For example: Water Licence MV2016L3-0001, issued to the Hamlet of Fort Providence on July 6, 2016 and Water Licence MV2018L3-0001, issued to Samba K'e First Nation on February 21, 2019.

5.1 Term of Licence

Yellowknives Dene First Nation has applied for a term of 10 years for the Licence¹⁶.

Subsection 26(2) of the *Waters Act* allows for a Licence term of not more than 25 years or the duration of the undertaking. No comments on the Licence term were received during the public review of the Application¹⁷. No suggested Licence term was distributed for public review with the draft Licence conditions, and no comments were submitted¹⁸. YKDFN's previous Licence MV2009L3-0028 was issued for a period of 10 years. Recently, the Board has consistently decided that ten-year terms for municipal Licences are appropriate; however, in the interest of administrative efficiency, the Board sees value in staggering municipal Licence expiry dates. Given YKDFN's efforts to remain in compliance with Licence MV2009L3-0028, the Board is of the opinion that a slightly longer Licence term is justified, and has decided to set the term of MV2019L3-0009 for 12 years, with an expiry date of February 6, 2032.

5.2 Part A: Scope and Definitions

Part A of the Licence contains the scope and definitions for terms used throughout.

Scope

The scope of the Licence ensures the Licensee is entitled to conduct activities which have been applied for and screened by the Board. In setting out the scope of the Licence, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without be unduly restrictive or prescriptive, and to allow for project flexibility throughout the life of the Permit.

Part A, conditions 1(b) and (c) are consistent with previous Licences issued by the Board. These conditions ensure that the scope of the authorization includes all water uses and deposits of waste associated with the undertakings, and reflect and comply with all applicable legislation for the life of the authorization in the Licensee's effort to protect the environment.

Definitions

The Board defined items in the Licence to ensure a common understanding of conditions, to avoid future differences in interpretation, and to use wording similar to that found in previously issued Licences. The Board created one new definition to describe specific facilities related to these municipal operations, as described below:

- **Vehicle Storage Compound** was included because it is a specific facility related to these municipal operations.

5.3 Part B: General Conditions and Schedule 1

Part B and Schedule 1 of the Licence contain general administrative conditions regarding compliance and conformity with the *MVRMA* and *Waters Act*, and is consistent with standard conditions found in previous Licences issued by the Board.

¹⁶ See MVLWB [Online Registry for MV2019L3-0009 – Application](#) dated July 15, 2019

¹⁷ See MVLWB [Online Registry for MV2019L3-0009](#) - Staff Report and Comments: Issuance

¹⁸ See MVLWB [Online Registry for MV2019L3-0009](#) - Staff Report and Comments: Issuance

Part B, condition 3, clarifies that all references to policies, guidelines, codes of practice, statutes, regulations or other authorities shall be read as a reference to the most recent versions, unless otherwise denoted. This standard practice allows for flexibility in Licence conditions when documents are updated during the life of the Licence.

This Part addresses conformity and compliance with submissions to the Board. Periodic review and submission of major updates or changes to management plans are required by Part B, condition 7, for Board approval. Such revisions must be approved by the Board prior to the implementation of activities not identified in existing, approved plans. This condition ensures that all applicable plans are regularly reviewed and updated so they reflect changes in technology and/or changes and phases of the project throughout the life of the authorization.

Part B, condition 10 introduces the Schedules which are annexed to and form part of the Licence. Changes to these Licence components are largely administrative matters and are within the Board's authority to make.

Part B, condition 11 introduces the Surveillance Network Program (SNP) which is annexed to and forms part of the Licence. Part B, conditions 13 and 14 address SNP signage and measuring devices.

Part B, condition 15 and Schedule 1, condition 1: Annual Water Licence Report

The requirements for the Annual Water Licence Report are outlined in Part B, condition 15, and Schedule 1, condition 1. The purpose of the Annual Water Licence Report is to provide the Board and all stakeholders the opportunity to be annually updated on project components and activities, and to provide a platform for stakeholders to submit comments, observations, feedback, and questions as necessary. The requirements are intended to provide clarity and summarize information already captured through existing submissions; they are not meant to be onerous. The Board organized these requirements to coincide with the layout of the Licence and to be consistent with recently issued licenses.

During the review process, it was recommended that YKDFN include volume reporting for potable water purchased from the City of Yellowknife in the annual reporting, in order facilitate comparison of yearly water consumption vs. maximum allowable limit, and adequately track/capture any potential future changes and/or reporting omissions that could be occurring, in relation to the water purchasing agreement between YKDFN and the City¹⁹. For this reason, the Board has added the requirement for YKDFN to report monthly and annual quantities in cubic metres of potable water purchased from the City of Yellowknife.

The Annual Water Licence Reporting schedule differs in timing from many municipal water licenses for which the reporting term is the calendar year, with reports due March 31 following the year reported. No comments were received on the alternative timeline proposed during the draft Licence Conditions review period, which was developed in order to reduce the administrative burden on community staff at fiscal year end. For this reason, the Board has chosen the reporting period for the Annual Water Licence Report to be April 1 – March 31, with the report submission to be made

¹⁹ See MVLWB [Online Registry for MV2019L3-0009](#) - Staff Report and Comments: Issuance

every June 30. The Board has also decided to require the first Annual Report on June 30, 2021 for the period of January 1, 2020 to March 31, 2021 (which bridges the gap between the terms of Licence MV2009L3-0028 and Licence MV2019L3-0009 and includes the period of January 1, 2020 to March 31, 2020 as well as the period of April 1, 2020 to March 31, 2021).

5.4 Part C: Conditions Applying to Water Use

Part C of the Licence contains a single condition related to Water use. YKDFN purchases water for municipal use in Dettah from the City of Yellowknife (as required by the Government of the Northwest Territories Department of Health and Social Services²⁰) and trucks water from the City to households and community buildings twice per week. Detail on annual reporting requirements for potable water purchased from the City of Yellowknife are included in Section 5.3 above.

5.5 Part D: Conditions Applying to Waste Management

Part D of the Licence contains conditions applying to waste management activities for the municipal undertakings and is consistent with standard conditions included in previous Licences issued by the Board. Site-specific conditions were developed where necessary and are discussed in more detail below.

Part D, condition 3: Waste Sources

Part D, condition 3 was included to prevent waste from external sources from being deposited without authorization, and to allow the Inspector and YKDFN the discretion to determine whether waste is externally or internally generated. This change is also reflected in Schedule 1, condition 1(e), where YKDFN is required to report on any of these wastes that may have been authorized for deposit by an Inspector, in annual reporting.

Part D, condition 5: Sewage Disposal Facilities Operation and Maintenance Plan

Part D, condition 5 requires a Sewage Disposal Facilities Operation and Maintenance Plan for Board approval. This requirement is standard for municipal water licenses and is based on the Board's most recent version of the *Operation and Maintenance Plan Template for Municipal Water Licenses: Sewage Disposal Facilities*. YKDFN included an Operation and Maintenance Plan for their Sewage and Solid Waste Disposal Facilities with their Application (dated June 2019).

Throughout the regulatory review process, comments and recommendations were received from reviewers regarding the Sewage Disposal Facilities components of the Operation and Maintenance Plan²¹ and that further details should be included in the Plan. In response to concerns, YKDFN was amenable to providing the information requested.

Interim Approve: The Operation and Maintenance Plan for the Sewage and Solid Waste Disposal Facilities cannot be approved at this time and should be revised and its contents divided into a Solid Waste Disposal Facilities Operation and Maintenance Plan, and a Sewage Disposal Facilities Operation

²⁰ See MVLWB [Online Registry for MV2009L3-0028 – GNWT-HSS confirmation of Dettah Water Source](#)

²¹ See MVLWB Online Registry for [MV2019L3-0009](#) – Staff Report and Comments: Issuance, Comment ID GNWT-ENR 1, 2, 3, 4, 8 & MVLWB 2,4 from the Application Review, and Comment ID GNWT-ENR 3 from the Draft Conditions Review.

and Maintenance Plan, using the most recent versions of the Board's municipal Plan templates. Both Plans should be submitted within six months of issuance (by August 7, 2020), for Board approval.

Effluent Quality Criteria (EQC)

The Board's approach to managing the deposit of waste to the receiving environment through water licence conditions is described in the Board's *Water and Effluent Quality Management Policy*.²²

Board staff specifically sought input on inclusion of effluent quality criteria (EQC) for MV2019L3-0009 (Sewage effluent from the Sewage Disposal Facilities) during the public review of draft Water Licence conditions²³. GNWT-ENR noted that:

... a valve was installed at the outlet of Dettah's natural lake lagoon at some point in the past. Nonetheless, it would appear that the lagoon operates as an exfiltration system, with no (or little) control on the discharge. The question 'What would happen if the effluent is not compliant' was asked during the technical workshop, considering that there is currently no means of controlling effluent release. It was also specified during the technical workshop that controlling the flow of discharge for this system would consist of a significant infrastructure project. ENR notes during the Hamlet of Enterprise's 2014 Water Licence renewal, Effluent Quality Criteria provided in Part D Item 2 of the former Water Licence were removed in the renewed Licence under the rationale that "the current SDF employ an infiltration lagoon system which naturally and continually flows to an adjacent wetland during periods of open water (p. 3 of August 13 2014 MV2014L3-0007 Reasons for Decision).

GNWT-ENR further recommended that the Board consider removing EQCs for Dettah SDF, as this system currently operates as an exfiltration system where discharges cannot be controlled.

Following GNWT-ENR's recommendation, the Board notes that EQC are difficult to apply to discharge from the Sewage Disposal Facilities in the absence of control over the discharge point. The Board also notes that YKDFN plans to continue improving their Sewage Disposal Facilities²⁴. Therefore, the Board has chosen not to set EQC for the discharge of the Sewage Disposal Facilities at this time; however, in the absence of EQC the Board notes the following water licence requirements related to monitoring, and improving the quality of, effluent from Sewage Disposal Facilities:

- Monitoring of SNP stations 2020-1, 2020-2, and 2020-3, as described in Section 5.10 of these Reasons for Decision;
- The submission of water quality results in annual reporting required by Part B, condition 15 and Schedule 1, condition 1 of MV2019L3-0009;
- Revisions to the Sewage Disposal Facilities Operation and Maintenance Plan required by Part D, condition 5, and as described in Section 5.5 of these Reasons for Decision; and
- The submission of updated Sewage Disposal Facilities/lagoon As-Built plans and drawings stamped and signed by an Engineer, as required by Part E, condition 8, and as described in Section 5.6 of these Reasons for Decision.

²² See www.mvlwb.com → Resources → Policies and Guidelines: [MVLWB Water and Effluent Quality Management Policy](#) (March 31, 2011).

²³ See MVLWB Online Registry for [MV2019L3-0009](#) – Staff Report and Comments: Issuance

²⁴ See MVLWB Online Registry for [MV2019L3-0009](#) –Staff Report and Comments: Issuance, Comment ID MVLWB 2 from the Application Review

As the Board has removed EQC from MV2019L3-0009, Part D, condition 4 of Licence MV2009L3-0028 regarding the requirement for Inspector notification prior to initiating decant has also been removed from MV2019L3-0009.

Part D, condition 10: Solid Waste Disposal Facilities Operation and Maintenance Plan

Part D, condition 10 requires a Solid Waste Disposal Facilities Operation and Maintenance Plan for Board approval. This requirement is standard for municipal water licenses and is based on the Board's most recent version of the *Operation and Maintenance Plan Template for Municipal Water Licenses: Solid Waste Disposal Facilities*. YKDFN included an Operation and Maintenance Plan for their Sewage and Solid Waste Disposal Facilities with their Application (dated June 2019).

Throughout the regulatory review process, comments and recommendations were received from reviewers regarding the Solid Waste Disposal Facilities components of the Operation and Maintenance Plan²⁵ and that further details should be included in the Plan. In response to concerns, YKDFN was amenable to providing the information requested.

Interim Approve: The Operation and Maintenance Plan for the Sewage and Solid Waste Disposal Facilities cannot be approved at this time and should be revised and its contents divided into a Solid Waste Disposal Facilities Operation and Maintenance Plan, and a Sewage Disposal Facilities Operation and Maintenance Plan, using the most recent versions of the Board's municipal Plan templates. Both Plans should be submitted within six months of issuance (by August 7, 2020), for Board approval.

5.6 Part E: Conditions Applying to Construction and Schedule 2

Part E of the Licence contains conditions applying to construction activities for the municipal undertaking and is consistent with standard conditions found in previous municipal Licences issued by the Board. These conditions ensure that Engineered Structures are built to appropriate standards and require the submission of design and engineering reports. The Board can ensure that monitoring requirements are in place prior to, during, and post-construction.

Part E, condition 5 and Schedule 2, condition 1

Part E, condition 5 and Schedule 2, condition 1 include requirements for a Design and Construction Plan to be submitted for Board approval a minimum of 90 days prior to the commencement of Construction. This requirement was included as a result of the possibility of YKDFN undertaking Construction activities at their municipal facilities during the term of the Licence. This condition is intended to provide guidance to YKDFN in this work, and no parties commented on it during the public review of the draft Licence conditions²⁶. For this reason, the Board has included these requirements.

5.7 Part F: Conditions Applying to Modifications

Part F of the Licence contains conditions outlining when and how Modifications of existing or planned physical works may be authorized. They ensure the Board and the Inspector are kept informed and can request more information or reject the proposed modification. This section is closely linked to the

²⁵ See MVLWB Online Registry for [MV2019L3-0009](#) –Staff Report and Comments: Issuance, Comment ID GNWT-ENR 3 from the Draft Conditions Review.

²⁶ See MVLWB Online Registry for [MV2019L3-0009](#) –Staff Report and Comments: Issuance.

Construction section (Part E), which contains conditions related to the design and Construction of Engineered Structures. This section relies on the definition of a Modification, outlined in Part A, “does not include expansions, nor alternations of the purpose of function of a structure.” These conditions are consistent with standard conditions found in previous municipal Licences issued by the Board. The purpose of Part F is to streamline the process for authorizing modifications and ensure that any proposed changes to structures that might be outside the scope of the Licence are brought to the Board’s attention.

5.8 Part G: Conditions Applying to Contingency Planning

Part G of the Licence contains conditions related to spill contingency planning and reporting, reclamation of spills and unauthorized discharges, and emergency response for the municipal undertakings. The purpose of this part is to ensure that YKDFN is fully prepared to respond to spills and unauthorized discharges. The planning and reporting requirements in this part ensure that YKDFN has identified the lines of authority and responsibility, has an action plan(s) for responses to spills and unauthorized discharges, and has established reliable reporting and communication procedures. This will ensure that any spills or unauthorized discharges are effectively controlled and cleaned up, with the goal of preventing or limiting damage to the receiving environment. The conditions in Part G are consistent with standard conditions found in previous municipal Licences issued by the Board.

Part G, conditions 2 and 3: Spill Contingency Plan

Spill Contingency Plan is a defined term in the Licence, referencing the Indian and Northern Affairs Canada’s *Guidelines for Spill Contingency Planning*.²⁷ YKDFN included a Spill Contingency Plan in the Application (dated June 2019), the format of which is based on the Board’s Operation and Maintenance Plan Template for Municipal Water Licenses: Spill Contingency Plan (March 2018 revision)²⁸. Following reviewer comments and recommendations on YKDFN’s Application²⁹, they submitted a revised Spill Contingency Plan (Version 1.1) on September 5, 2019. During the draft Licence Conditions review, the Spill Contingency Plan Version 1.1 was recommended as adequate³⁰.

Approve: The Board has approved the Spill Contingency Plan Version 1.1 because it sufficiently meets the guidelines and reflects the scope of the proposed activities.

The Board acknowledges that compliance with all submissions is already required under general conditions in Part B; however, plans that are approved at issuance do not have a condition requiring a revised plan, but will still need to be introduced as a licence requirement. The wording of the condition addresses that gap for plans approved at issuance and is consistent with the approach used in the Board’s Standard Land Use Permit Conditions.

²⁷ See www.mvlwb.com → Resources → Policies and Guidelines: [INAC Guidelines for Spill Contingency Planning](#) (2007).

²⁸ See MVLWB [Online Registry for MV2019L3-0009 – Spill Contingency Plan - Jul15-19](#)

²⁹ See MVLWB Online Registry for [MV2019L3-0009](#) – Staff Report and Comments: Issuance, Comment ID GNWT-ENR 7, MVLWB 5 from the Application Review

³⁰ See MVLWB Online Registry for [MV2019L3-0009](#) – Staff Report and Comments: Issuance, Comment ID GNWT-ENR 2 from the Draft Licence Conditions Review

5.9 Part H: Conditions Applying to Closure and Reclamation and Schedule 3

Part H and Schedule 3 of the Licence contain conditions applying to closure and reclamation of any component of the municipal undertaking being closed. The Board has previously decided³¹ that for Type B municipal licenses, solid waste closure and reclamation practices can be addressed through proper design, construction, operation and maintenance of facilities, and therefore fall under the Board's approval of the Operation and Maintenance Plan for the Solid Waste Disposal Facilities. The Board also notes that Part D, condition 12 requires the Licensee to "act in accordance with the best practices outlined in Environment and Climate Change Canada's *Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document*" and that this document, which was formally adopted by the Board in December 2017 to include as guidance for communities in the Mackenzie Valley³², includes guidance on closure and reclamation. Further to this, Schedule 3, condition 1 refers to specific components of Environment and Climate Change Canada's *Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document*, and Schedule 3, condition 2 lists specific requirements for consideration in closure planning for Sewage Disposal Facilities, originating from the *Canadian Standards Association Standard W203:19: Planning, design, operation, and maintenance of wastewater treatment in northern communities using lagoon and wetland systems*³³.

Part H, condition 2 requires YKDFN to submit, for Board approval, a facility-specific Closure and Reclamation Plan a minimum of six months prior to the closure and reclamation of any specific facility included in the scope of the Licence. This is a standard requirement of Licences issued by the Board and will ensure the municipal facility in question is reclaimed in accordance with established guidelines and expectations of reviewers and the Board.

5.10 Annex A: Surveillance Network Program

Annex A of the Licence contains conditions applying to the Surveillance Network Program (SNP). The SNP details the sampling and monitoring requirements related for compliance with numerous conditions and plans required by the Licence. Requirements for measuring flows, volumes, and meteorological data are based on standard water license conditions as are the reporting requirements.

An SNP map for MV2019L3-0009 has been added to the end of Annex A to support the location descriptions for each sampling station.

The SNP has been developed to ensure collection of water quality data and to build an understanding of the treatment efficacy of, and potential impacts on the Receiving Environment from the Sewage Disposal Facilities and Solid Waste Disposal Facilities. The SNP locations proposed in the draft Licence were consistent with the previous Licence MV2009L3-0028. Comments were received on several SNP station details from GNWT-ENR, which supported the relevance of all monitoring stations as drafted³⁴.

³¹ See MVLWB Online Registry for MV2015L3-0001 – [Fort Simpson ICRP condition removed from Water Licence](#)

³² <https://mvlwb.com/sites/default/files/en14-263-2016-eng.pdf>

³³ <https://climatechange.toolkitnwtac.com/wp-content/uploads/sites/21/2019/08/Planning-Wastewater-CSA.pdf>

³⁴ See MVLWB Online Registry for [MV2019L3-0009](#) – Staff Report and Comments: Issuance, Comment ID GNWT-ENR 1, 2, 3, 4 from the Application review and Comment ID GNWT-ENR 4, 6, 9 from the Draft Licence Conditions Review

In an effort to improve the clarity of the SNP Annex, the Board has developed new nomenclature for each SNP station, without changing other station details:

SNP 2020-1: This location was formerly labelled SNP 1586-4. It is intended to monitor wastewater treatment prior to discharge through the exfiltration berm. The parameters chosen for this location are typical of those used by the Board for monitoring sewage effluent.

SNP 2020-2: This location was formerly labelled SNP 1586-1. It is intended to monitor effluent quality from the Sewage Disposal Facilities, following discharge through the exfiltration berm. The parameters chosen for this location are typical of those used by the Board for monitoring sewage effluent.

SNP 2020-3: This location was formerly labelled SNP 1586-2. It is intended to monitor final effluent quality from the Sewage Disposal Facilities prior to discharge to the Receiving Environment, at the point of discharge of the drainage channel to Duck Lake. The parameters chosen for this location are typical of those used by the Board for monitoring sewage effluent.

SNP 2020-4: This location was formerly labelled SNP 1586-3. It is intended to monitor run-off at the Solid Waste Disposal Facilities. The parameters chosen for this location are typical of those the Board uses to monitor Water impacted by solid waste operations.

5.11 Annex B: Table of Submissions

Annex B of the Licence contains a table that summarizes the information YKDFN is required to submit as required by the Licence conditions.

5.12 Annex C: Table of Revision History

Annex C of the Licence contains a table which identifies updates and tracks changes made to the Licence. This table is currently blank because this is a new Licence, but it will be updated throughout the life of the Licence.

6.0 Conclusion

Subject to the scopes, definitions, conditions, and terms set out in the Licence, and for the reasons expressed herein, the MVLWB is of the opinion that the waste disposal associated with the municipal undertakings can be completed by Yellowknives Dene First Nation while providing for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit for all Canadians and in particular for the residents of the Mackenzie Valley.

Water Licence MV2019L3-0009 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA, *Waters Act*, and the Regulations made thereunder, and to provide appropriate safeguards in respect of YKDFN's use of the land and water affected by the Licence.

SIGNATURE

Mackenzie Valley Land and Water Board



Mavis Cli-Michaud, Chair

February 7, 2020

Date

**General Procedures for the Administration of Licences
Issued Under the *Waters Act*
in the Northwest Territories**

1. At the time of issuance, a copy of the Licence is placed on the Public Registry in the office of the Mackenzie Valley Land and Water Board (MVLWB or the Board) in Yellowknife and is then available to the public.
2. To enforce the terms and conditions of the Licence, the Minister of Environment and Natural Resources has appointed Inspectors in accordance with subsection 65(1) of the *Waters Act*. The Inspectors coordinate their activities with staff of the MVLWB. The Inspector responsible for Licence MV2019L3-0009 is located in the Yellowknife, NT office.
3. To keep the MVLWB and members of the public informed of the Licensee's conformity to the Licence's conditions, the inspectors prepare reports which detail observations on how each item in the Licence has been met. These reports are forwarded to the Licensee with a covering letter indicating which action, if any, should be taken. The inspection reports and cover letters are placed on the Public Registry, as are any responses received from the Licensee pertaining to the inspection reports. It is therefore of prime importance that you react in all areas of concern regarding all inspection reports so that these concerns may be clarified.
4. Licence MV2019L3-0009 will expire on February 12, 2032, if required; it is the responsibility of the Licensee to apply to the MVLWB for a new licence. The past performance of the Licensee, new documentation and information, and points raised during a public hearing, if required, will be used to determine the terms and conditions of any new licence. Please note that if the Licence expires and another has not been issued, then water and waste disposal must cease, or you, the Licensee, would be in contravention of the *Waters Act*. For a Type A Licence, an application for a new licence shall be made at least one year in advance of the Licence's expiry date. In the case of a Type B Licence, an application shall be made at least six months in advance of the Licence's expiry date.
5. If, for some reason, Licence MV2019L3-0009 requires amendment, a public hearing may be required. You are reminded that applications for amendments should be submitted as soon as possible to provide the MVLWB ample time to complete the amendment process. The process may take up to six months or more depending on the scope of the amendment requested.
6. Specific clauses of your Licence make reference to the Board, Analyst, or Inspector. The contact person, address, phone, and fax number of each is:

Mackenzie Valley Land and Water Board:

Public Registry Clerk
Mackenzie Valley Land and Water Board
7th Floor - 4922 48 Street,
P.O. Box 2130
YELLOWKNIFE NT XIA 2P6
Phone: (867) 669-0506
Fax: (867) 873-6610

Analyst:

Street Address:

Taiga Environmental Laboratory
4601 – 52nd Ave
Yellowknife, NT
X1A 1L4

Mailing Address:

Taiga Environmental Laboratory
P.O. Box 1320
Yellowknife, NT
X1A 2L9

Phone: (867) 767-9235, ext 53151

Fax: (867) 920-8740

General Email: taiga@gov.nt.ca

Inspector:

Heather Beck, Water Resource Officer
Department of Environment and Natural Resources, Dehcho Region
Government of the Northwest Territories
P.O. Box 2668
YELLOWKNIFE NT X1A 2P9
Phone: (867) 767-9238 ext. 53243
Fax: (867) 873-6230

7. Specific clauses of your licence may reference security. The contact person, address, and phone and fax numbers of the individual administering security deposits is:

Director, Water Resources
Department of Environment and Natural Resources
Government of the Northwest Territories
P.O. Box 1320
YELLOWKNIFE NT X1A 2L9
Phone: (867) 767-9234 ext. 53105
Fax: (867) 873-4229