

Northwest Territories Water Board Reasons for Decision

Issued pursuant to section 26 of the
Northwest Territories Waters Act, Chap 39, R.S.C.

Licence Number: N7L3-1525 (Type B Renewal)

This is the decision of the Northwest Territories Water Board (NWTWB) with respect to an application for a licence renewal date July 17, 2008, made by:

Hamlet of Ulukhaktok
P.O Box 157
Ulukhaktok, NT X0E 0S0

For the water use and disposal of wastes for municipal purposes at the hamlet of Ulukhaktok, Northwest Territories (Latitude 70°44'N and Longitude 117°45'W).

Background

The NWTWB originally issued the water Licence for Ulukhaktok in 1988. Subsequent Licence renewals occurred in 1998 and 2003. In 2003, the NWTWB renewed the Licence for a term of five (5) years with the intention to address licensing concerns and issues that had surfaced in past years. The Licence expired December 31, 2008.

The NWTWB received a new renewal application from the Hamlet of Ulukhaktok on July 17, 2008 requesting a renewal term of ten (10) years.

On behalf of NWTWB, Anne Umpleby met with Indian and Northern Affairs Canada (INAC) - Water Resources Division on July 17, 2008 to discuss ongoing concerns and non-compliance issues regarding municipal water licences within the Inuvialuit Settlement Region (ISR). A strategy was created to address ongoing compliance issues and concerns with regard to water licences within the ISR. Anticipating the submission of the Ulukhaktok water Licence renewal, a term of one year was suggested so that concerns could be fully addressed.

The NWTWB hosted the Municipal Water Licences: Licensing and Compliance Issues Workshop in order to address the concerns and issues surrounding water licensing in the ISR. The Municipal Water Licences: Licensing and Compliance Issues Workshop took place December 9th and 10th, 2008 in Inuvik, NT.

The NWTWB received a letter from Ulukhaktok requesting a renewal period of twelve (12) months on December 4, 2008 so that the NWTWB can apply the concepts learned from the Municipal Water Licences: Licensing and Compliance Issues Workshop to the new Licence.

Public Hearing

There was no public hearing held for this water Licence. The Board is renewing the Licence for a term of one year to allow time to incorporate the results of the NWTWB Municipal Water Licences: Licensing and Compliance Issues Workshop. The Board

does this under authority of section 18(a)(ii) where it states the Board can renew a licence when it is in the public's best interest.

Decision to Issue

The Board has decided to issue the renewal of Water Licence N7L3-1525 subject to the attached terms and conditions and with the intention to revisit the Licence on the conclusion of the Municipal Water Licences: Licensing and Compliance Issues Workshop.

The Board agreed to add a new paragraph to clause (B)(1) regarding the reporting of SNP sampling results. The Board will issue the Licence for a short term of one (1) year in order for the Hamlet of Ulukhaktok to address the ongoing non-compliance issues. The Board feels it is a matter of necessity to issue the Licence to the Hamlet of Ulukhaktok, as the services licenced under the NWTWB are vital to the community. However, the Hamlet of Ulukhaktok must address the ongoing compliance issues, and a one-year renewal term has been given to achieve this.

Term of Licence Renewal

The term of the Licence will be for one year. At, or before, the conclusion of the year renewal, the NWTWB will issue a new Licence for a longer term provided that the Hamlet of Ulukhaktok makes progress on non-compliance issues.

Requirements of the Northwest Territories Waters Act

As per section 5 of the *Northwest Territories Waters Act*, the Board has notified the Applicant of their obligation to comply by other legislation associated with this Licence.

The Board is in accordance with 14(4)(a) of the *Northwest Territories Waters Act* by ensuring that the granting of the Licence to the Applicant would not adversely affect, in a significant way, any existing Licensee, providing the conditions of the Licence are met. There are no other applicants with precedence.

Provided that the Licensee operates in accordance with the terms and conditions of the Licence, the Board does not believe that any users or persons listed in paragraph 14(4)(b) of the *Northwest Territories Waters Act* will be adversely affected by the use of waters or the deposit of waste proposed by the Licensee.

Regarding subsection 14(4)(c) (i) of the *Northwest Territories Waters Act*, the Board is of the view that compliance with the Licence conditions will ensure that the waste produced by the hamlet will be treated and disposed of in a manner which will maintain water quality in the area and be consistent with applicable water quality standards.

Consistent with subsection 14(4)(c)(ii) of the *Northwest Territories Waters Act*, the Board is satisfied that the effluent standards previously developed and set out in the last Licence renewal are acceptable and will protect the receiving waters and environment.

The Board issues this Licence in accordance with section 14(6)(b)(i). The Chairperson of the Board approves the issuance of this Licence in the absence of a public hearing.

The Board is issuing this Licence in accordance with section 15 of the *Northwest Territories Waters Act* for the use of water and the deposit of wastes by the Hamlet of Ulukhaktok. The NWTWB is only making minor changes at this time (see clause (B)(1)(f)), as this renewal is short term to allow for the Municipal Water Licences: Licensing and Compliance Issues Workshop to take place. The terms and conditions

set for this water Licence will reduce the potential environmental impacts resulting from water use and the deposit of wastes.

As per section 16 of the *Northwest Territories Waters Act*, the Applicant has supplied the Board with its application and subsequent Background Report for the renewal.

With respect to the application, the NWTWB gave notice in accordance with section 23 of the *Northwest Territories Waters Act*.

Decision

The Water Licence, as it stands from the previous renewal, is sound and any potential adverse environmental effects are manageable in the short term. The short term renewal will allow time for the community to make progress with bringing the facilities into compliance with the Licence. The one (1) year renewal will allow for the Board to assess the current licence and to incorporate concepts learned from the Municipal Water Licences: Licensing and Compliance Issues Workshop into it for the next renewal.

Licence number N7L3-1525 contains provisions that are necessary to ensure and monitor compliance with the *Northwest Territories Waters Act* and to provide appropriate safeguards for the use of water and the deposit of waste. Provided that the Licensee operates in accordance with the terms and conditions of the Licence, the quality of water within the licenced area should not be impaired.


For all of the above reasons the Board has decided to issue N7L3-1525 to The Hamlet of Ulukhaktok.

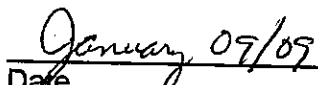
Terms and Conditions

The terms and conditions for the renewal of Ulukhaktok's Water Licence will remain the same as the last renewal, with the exception of the addition of Part B, Item 1(f), which outlines the requirement of the Hamlet of Ulukhaktok to report the SNP results in the annual report. With potential changes to the effluent quality criteria in the near future, it is important that the Hamlet of Ulukhaktok consistently report the results of the SNP.

SIGNATURE

Northwest Territories Water Board
Preliminary Screening Organization


Chair


Date