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**RE: Comments on “Toward the Development of Northern Water Standards:
Review and Evaluation of Approaches for Managing
Water Use in Northern Canada”**

The Agency appreciates the opportunity to review the above noted Discussion Paper. In general, the content should assist the Mackenzie Valley Land and Water Boards in establishing and documenting a clear approach to setting water quality standards, effluent quality objectives and/or effluent quality criteria in their area of jurisdiction.

The Agency is largely supportive of the recommendations made in this report. However, the recommendation “Establish guidelines for defining the size of and regulating Initial Dilution Zones (IDZs)” is of concern. The Agency cautions that this approach, if adopted, must be applied with considerable care. The main concern is that, as the authors note, “the water quality conditions within the zone may not be sufficient to support all of the designated uses of the watershed within the IDZ”. If these types of decisions are to be made, clear guidance along the lines suggested on pages 26 and 27 of the current document need to be developed.

There appears to be some confusion in terminology as the terms “water management framework” and “water quality management” are sometimes used interchangeably. Care needs to be taken in differentiating between these two concepts. This paper generally focuses on the latter, but there is a tendency, in places, to dilute the useful information with observations on the former. For instance, Appendix 7 contains much useful information on water quality management, but the early sections address a water management framework which is really beyond the scope of the current document. In fact, the water management framework/ecosystem approach described in the beginning of the Appendix is more closely aligned with the entire regulatory regime under the *Mackenzie Valley Resource Management Act (MVRMA)*. It would be more useful to focus the current discussion on water quality management.

While Chapters 1 and 2 are intended to lay the foundation for the rest of the document, there was some confusion on the part of (at least one) reviewer(s) as to the scope of the

work which persisted through the reading of the entire document. It would have been more useful to use the exact wording from the Office of the Auditor General's report:

- “Our audit examined how well INAC is managing its responsibilities for the process set out in the *MVRMA* for the development of non-renewable resources in the NWT (apart from the Inuvialuit Settlement Region)”; and
- “INAC, in consultation with the boards under the *MVRMA*, should develop standards for water (and the Minister should direct the boards to use the standards)”.

Use of the precise wording would have made it clear that the current work is focused on the Boards in the Mackenzie Valley which operate under the *MVRMA*. It might also be useful to the reader to add emphasis to the limitations of the scope, i.e., it does not apply to the Inuvialuit Settlement Region, Nunavut or the Yukon.

At some point it may be necessary to address the question of how this work would be expanded to include the relevant areas outside the Mackenzie Valley, especially if development of regulations is the preferred approach. However, that is probably the subject of a separate paper/process.

Two final comments on these two chapters. One, there are some errors in the description of the current regulatory regime which need to be corrected (Attachment 1). Two, the section on “Water Management under the *Northwest Territories Waters Act* (2.1)” is a bit confusing. If this is meant to describe the regime prior to the *MVRMA* coming into effect, the section needs to be written from that viewpoint. If not, it should be eliminated.

One last point, while the Agency is supportive of work to address cumulative effects in the North, development of a strategy for addressing cumulative effects in the water management framework should be coordinated with other initiatives such as the Cumulative Impact Monitoring Program and the NWT Environmental Management Framework. The concept of thresholds and assimilative capacity for watersheds is an important consideration in planning sustainable and sound water quality management and this should be acknowledged in the paper.

Again, we appreciated the opportunity to review the discussion paper and encourage INAC and the Mackenzie Valley Boards to move ahead as rapidly as possible.

Sincerely,



Bill Ross
Chairperson

cc. Society Members

Anne Wilson, Environment Canada
Bruce Hanna, Fisheries and Oceans

Attachment 1

**Specific Comments on “Toward the Development of Northern Water Standards:
Review and Evaluation of Approaches for Managing
Water Use in Northern Canada”**

Page 3. “The exception is that the Minister of INAC is responsible for approving the water licences (WLs) that are prepared by the public boards”. As noted elsewhere in this document, the Minister only applies to A licences and B licences where there is a public hearing.

Page 3. It might be useful to include a statement about the *Northern Inland Waters Act* to show the whole process of evolution. In June 1992, it was the *Northwest Territories Waters Act* and Regulations which were passed.

Page 4. In the reference to “deposition of waste into receiving waters” remove receiving.

Page 7. The paragraph starting after residents of the Mackenzie Valley might be better as; “The GLWB, SLWB, and WLWB (written out) established under the *MVRMA* are responsible for issuing land use permits and WLs in their respective areas on public and private lands. The MVLWB fulfills its mandate by issuing land use permits and WLs for projects in areas outside the settled claims and for projects that cross land claim boundaries (i.e. transboundary applications).” The last sentence of the paragraph would remain as written.

Page 8. The last sentence is not correct. The Minister may accept or reject a licence, but may not alter the terms and conditions. Also, it is our understanding that the Board, not the Minister, sets the security deposit, the requirement for water quality and quantity measurements, and Abandonment and Reclamation (more recently called Closure and Reclamation) plans.