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November 21, 2024

File: G22L3-004

Jamie Koe, CEO  
Gwich'in Tribal Council  
PO BOX 1509  
Inuvik, NT X0E 0T0

**Sent by email**

Dear Jamie,

**Re: Rachel Reindeer Wellness Camp – Cancellation of Water Licence G22L3-004**

The Gwich'in Land and Water Board (GLWB or Board) met on August 22, 2024 and considered the Licence cancellation request (Request) submitted by the Gwich'in Tribal Council (GTC) for Water Licence G22L3-004, for the Rachel Reindeer Wellness Camp.

The Board has approved GTC's Request, in accordance with the attached Reasons for Decision, which are also posted to the Board's Public Registry.<sup>1</sup> Licence G22L3-004 is now cancelled. The Board reminds GTC that Permit G22H002,<sup>2</sup> for fuel storage at the Wellness Camp, remains in place.

Please direct questions or concerns regarding this letter to Leonard DeBastien via [email](#).

Yours sincerely,

Elizabeth Wright  
Chair, Gwich'in Land and Water Board

BCC'd to: GLWB Distribution List

<sup>1</sup> See GLWB Online Registry for [G22L3-004](#)

<sup>2</sup> See GLWB Online Registry for [G22H002](#)



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## Reasons for Decision

Issued pursuant to section 72.25 of the *Mackenzie Valley Resource Management Act (MVRMA)*  
and paragraph 36 (1)(c) of the *Waters Act*.

Water Licence Cancellation Request	
<b>File Number</b>	G22L3-004
<b>Company</b>	Gwich'in Tribal Council
<b>Project</b>	Rachel Reindeer Wellness Camp
<b>Location</b>	Mackenzie River East Channel, Inuvik NT
<b>Activity</b>	Operation of Wellness Camp – Including Municipal Water Use and Waste Deposit
<b>Date of Decision</b>	August 22, 2024

## **1.0 DECISION**

On August 22, 2024, the Gwich'in Land and Water Board (GLWB or Board) met and considered the Application made by the Gwich'in Tribal Council (GTC) to cancel Type B Water Licence (Licence) G22L3-004, which authorizes the withdrawal of water and the deposit of waste in association with the operation and maintenance of the Rachel Reindeer Wellness Camp.<sup>1</sup>

After reviewing the Applications and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To cancel Water Licence G22L3-004.

These Reasons for Decision set out the Board's regulatory process and rationale for decisions regarding the Licence.

## **2.0 PROJECT BACKGROUND**

On July 28, 2022, the GLWB issued Type B renewal Licence G22L3-004 (and Type A renewal Permit G22H003) to GTC for the Rachel Reindeer Wellness Camp.<sup>2</sup> The Wellness Camp is located on the Mackenzie River East Channel, 10.4 km south/southwest of Inuvik. Previous authorizations for the camp include G08H004,<sup>3</sup> G08L8-002,<sup>4</sup> G13L3-001,<sup>5</sup> and G15H001.<sup>6</sup>

The purpose of the camp is "to provide social and cultural programming, to rebuild the confidence of Gwich'in persons and their families and to extend their participation in healing processes. Camp services and workshops involve Traditional and Indigenous programming and include Elders, youth and families. Sessions help families learn about traditional skills and traditional healthy lifestyles."<sup>7</sup> In the Permit application, GTC indicated that "the number of person-days will vary from year to year. It is anticipated that no more than 140 people will be onsite at any given time, and that overnight programming will involve fewer than 40 people on-site".<sup>8</sup> Access to the site is by boat during ice-free months and by skidoo, truck and other land vehicles in the winter and spring months over a seasonal ice road along the East Branch during frozen conditions.

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<sup>1</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - Request to Cancel Water Licence - Mar01\\_23](#)

<sup>2</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - Licence and Permit Issuance Package with Reasons for Decision - July29\\_22.pdf](#)

<sup>3</sup> See GLWB Online Registry for [G08H004](#)

<sup>4</sup> See GLWB Online Registry for [G08L8-002](#)

<sup>5</sup> See GLWB Online Registry for [G13L3-001](#)

<sup>6</sup> See GLWB Online Registry for [G15H001](#)

<sup>7</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - Project Description Report - May03\\_22](#)

<sup>8</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - Permit Application Form - May03\\_22](#)

GTC applied for the Licence because it is withdrawing water and depositing waste,<sup>9</sup> and for the Permit because it is storing fuel on site.<sup>10</sup> The following activities were described in the applications:

1. *Water Withdrawal from the Water Treatment Facilities*

- Up to 2,000 cubic meters of water per year will be withdrawn from the East Channel of the Mackenzie River. Water is treated using a Filterboxx Water Treatment System.

2. *Deposit of Waste to the Receiving Environment*

- Sewage waste is treated using a Filterboxx Wastewater Treatment System. The system includes a 7,200 L sewage holding tank, a 4,400 L ultrafiltration tank, a 3,200 L effluent tank, and 3,600 L sludge tank. During the treatment process, waste liquids are separated from waste solids. Liquid waste undergoes filtration and disinfection before it is discharged to ground, in a wooded area located 50 meters East of the camp buildings. Solids will be pumped out by vac truck and deposited to the Town of Inuvik Wastewater Treatment Facilities.
- A burn barrel may be used to burn paper, cardboard and untreated wood in accordance with ENR Guidelines for Municipal Solid Waste Burning. Residual ash will be scattered on site.

3. *Fuel Storage*

- The following volumes of fuel will be stored on site: One (1) 35,000 L double-walled 'Enviro-Tank' fuel storage tank for diesel fuel storage and three (3) 4,500 L propane tanks for the kitchen stoves.

Licensing criteria for municipal undertaking are set out in Schedule F of the [Waters Regulations](#). Per item 1, a Type B licence is required for direct water use between 50 m<sup>3</sup> and 2,000 m<sup>3</sup> per day, and per item 3(b) a Type B licence is required for the deposit of waste by a camp or a lodge with capacity of more than 50 occupants per day or a direct or indirect deposit of waste to surface waters.

Permitting criteria are set out in Section 4 of the [Mackenzie Valley Land Use Regulations \(MVLUR\)](#). Per MVLUR 4(a)(iii), A type A permit is required for the use of a single container for the storage of petroleum fuel that has a capacity equal to or exceeding 4,000 L.

### **3.0 LICENCE CANCELLATION – REGULATORY PROCESS**

On March 1, 2023 GTC submitted a request to cancel Water Licence G22L3-004 (but not Permit G22H003).<sup>11</sup> In its letter to the Board, GTC stated that the Rachel Reindeer Wellness Camp has a maximum capacity of 43 guests and would withdraw a maximum of 14.4 m<sup>3</sup> of water per day, which is

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<sup>9</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp – Revised Licence Application Form – Jul19 22.pdf](#)

<sup>10</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp – Revised Permit Application Form – Jul08 22.pdf](#)

<sup>11</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - Request to Cancel Water Licence - Mar01 23](#)

below the licensing criteria for Municipal Undertakings as outlined in Schedule F of the Waters Regulations. GTC also noted that the 2,000 m<sup>3</sup> annual withdrawal maximum that it had applied for (which was the volume authorized by past licences) would restrict camp operations.

On March 9, 2023 GLWB staff circulated GTC's Licence cancellation request for public review on the LWB Online Review System.<sup>12</sup>

By the reviewer comment deadline of March 30, 2023 comments and recommendations were received from the Government of the Northwest Territories, Department of Environment and Climate Change (GNWT-ECC). The Department provided the following comments:

*"The Municipal trigger for a Type B Licence based on direct water use is: "Use of 50 or more cubic metres and less than 2,000 m<sup>3</sup> per day" (Waters Regulations, Schedule F, Item 1, Column III). The Municipal trigger for a Type B Licence based on deposit of waste by a camp or lodge is: "A deposit of waste by a camp or a lodge with capacity of more than 50 occupants per day or a direct or indirect deposit of waste to surface waters" (Waters Regulations, Schedule F, Item 3(b), Column III).*

*The Gwich'in Tribal Council (GTC) has applied to cancel Water Licence G22L3-004 on the basis that the estimated water use at full capacity would be 14.4 m<sup>3</sup>/day and that full capacity would be 43 people per day. While it seems that a Type B Licence would not be triggered based on water use, the current Water Licence likely needs to be retained on the basis of deposit of waste. ENR notes that Schedule F, Item 3(b) of the Waters Regulations is based on the maximum capacity of people that could be at a camp at the same time. It is not limited to the capacity for people overnighing nor the maximum number of people expected to be there at the same time. The Cancellation Application indicates that full capacity is 43 people per day. However, the Permit Application indicated that, although it was anticipated that overnight programming would involve fewer than 40 people, there could be up to 140 people on site at the same time (GTC, 2022). Based on the above considerations, it seems likely that the capacity of the Rachel Reindeer Wellness Camp (the Camp) is 140 people. If that is the case, a Type B Licence is required.*

*ENR recommends that GTC confirm the capacity of the Camp, in keeping with the above-noted considerations regarding capacity. If the capacity of the Camp is more than 50 people, ENR recommends that GTC retain Water Licence G22L3-004 on the basis of a Type B Licence being triggered by a deposit of waste under Schedule F, Item 3(b) of the Waters Regulations.*

*Although ENR recommends that Water Licence G22L3-004 be retained, ENR acknowledges that GTC has indicated that the currently licenced water use limit of 2,000 m<sup>3</sup>/year is restrictive. Therefore, GTC should consider applying to amend Water*

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<sup>12</sup> See Online Review System for [GTC - Cancellation of Type B Licence \(G22L3-004\)](#)

*Licence G22L3-004 to allow for additional water use.”*

By the Proponent Response deadline of April 6, 2023, GTC responded that “the Rachel Reindeer Wellness Camp has a current capacity limit of 42 beds, which is under the MVLWB threshold for the basis of a Type B License with regards to water use and waste deposition” and that “GTC estimates water consumption to be under the 50m<sup>3</sup> per day during full camp capacity, and that “Based on capacity, GTC estimates water consumption to be under the 50m<sup>3</sup> per day during full camp capacity. The concerns raised by GTC with regards to the 2000m<sup>3</sup>/year was with regards to a potential oversight in the license, as the Municipal trigger for direct water use states 2000m<sup>3</sup> per day not per year. G22L3-004 referenced 2000m<sup>3</sup>/year, which based on a 365 day calendar year would amount to a daily average of less than 50m<sup>3</sup> (~5.48m<sup>3</sup>), which is below the trigger thresholds and would therefore negate the need for a water license.”

On November 7, 2024, the GLWB issued an information request (IR) to GNWT-ECC.<sup>13</sup> The Board asked the Department to:

*“provide a fully reasoned and thoroughly explained argument based on the Waters Act and Waters Regulations (and other authorities as required) indicating why, in GNWT-ECC’s view, the deposit of waste licensing criteria described in Schedule F, Item 3(b), Column III of the Waters Regulations is based on the maximum capacity of people that could be at a camp at the same time (i.e., total possible on-site capacity). Please explain why it is not limited to the capacity of overnight occupants nor to the actual number of people that will be on site (as described in an application). Include reference to any environmental, operational, or practical considerations, and include applicable case law and precedent Land and Water Board decisions in your response, as needed.”*

On November 16, 2023, GNWT-ECC responded to the IR.<sup>14</sup> GNWT-ECC stated that ‘To enable GNWT-ECC to be able to respond to the Information Request from the GLWB adequately, the following information is requested to be confirmed by GTC: The maximum number of beds in the Wellness Camp; the maximum number of people that are anticipated to be present at the camp on any day (i.e. the maximum total number of people that may be on site at any time but not overnight), and; the maximum number of people that may overnight at the wellness camp”

On May 14, 2024 GTC provided a response letter to the Board.<sup>15</sup> GTC reiterated that the wellness camp has a 42 bed capacity, a maximum 42 overnight guests, and “rare and infrequent” instances where day use guests may exceed 42.

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<sup>13</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - Information Request to GNWT ECC - Nov07 23](#)

<sup>14</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - GNWT ECC response to Information Request - Nov16 23](#)

<sup>15</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - GTC Response to GNWT ECC Request - May14 24](#)

On May 15, 2024 GLWB staff circulated GTC's response, and an updated IR to GNWT-ECC.<sup>16</sup> The updated IR asked that GNWT-ECC "provide a fully reasoned and thoroughly explained argument based on the Waters Act and Waters Regulations (and other authorities as required) indicating why, in GNWT-ECC's view, the deposit of waste licensing criteria described in Schedule F, Item 3(b), Column III of the Waters Regulations is based on the maximum capacity of people that could be at a camp at the same time (i.e., total possible on-site capacity)", and to explain "why it is not limited to the capacity of overnight occupants nor to the actual number of people that will be on site (as described in an application)."

On June 3, 2024, GNWT-ECC provided a response to the updated IR. In its response, GNWT-ECC stated the following:

*"GNWT-ECC does note that there is some ambiguity in regard to the Waters Regulations, as Schedule F, Item 3(b), Column II references that "a camp or lodge **serv**ing 50 or fewer people" could occur without a licence whereas Schedule F, Item 3(b), Column III references that "camp or lodge with **capacity** of more than 50 occupants" would require a water licence (emphasis added). While the terminology here varies somewhat, there is no reference within Schedule F, Item 3(b), Columns II or III to there being a requirement for "overnight" as indicated in the Information Request from the GLWB. Further, the prevailing issue that was noted by GNWT- ECC in our initial comments on GTC's request to cancel Water Licence G22L3-004 was that the accompanying land use permit application indicated the potential for up to 140 people to be on-site. The request for additional information was to confirm the capacity of the camp to aid in making a determination in that regard.*

*In their response, GTC outlined that the number of beds at the Camp would be forty-two (42), and that with respect to day use, "the Camp primarily serves transient clients (namely Participants to the Gwich'in Comprehensive Land Claim Agreement) and their visitors. Occasionally, this may result in the presence of more than forty-two (42) occupants on any given day for day use only, although such instances are infrequent and limited.*

*Though Schedule F, Item 3(b) is ambiguous and with different facts GNWT-ECC's interpretation of whether a licence is required may differ, GNWT-ECC is of the opinion that a water licence is not required for the camp in question based upon the information provided by GTC. As noted in GTC's response to the GLWB, there will not be more than fifty people staying at the site and the presence of more than fifty people at the site during the day will be infrequent and limited. "*

On June 6, GNWT-ECC's response to the updated IR was forwarded to GTC for final comments. No comments were received from GTC by the June 19, 2024 deadline.

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<sup>16</sup> See GLWB Online Registry for [GTC - Rachel Reindeer Wellness Camp - Updated Information Request to GNWT ECC - May15 24](#)

#### 4.0 DISCUSSION

The Board agrees with GNWT-ECC that there may be some ambiguity in the Waters Regulations with respect to the licencing criteria for camps or lodges. As discussed, Schedule F, Item 3(b), Column III references that a "camp or lodge with capacity of more than 50 occupants" would require a Licence. It is not clear whether the provision refers to overnight or daytime users of camps and lodges. The Board understands that there has been no judicial consideration of this provision or any similar provisions in other regulations.

The Board notes that the LWBs *Guide to the Water Licensing Process* states that "a water licence will be required if engaging in any of the following activities: ... A municipality, or camp with the capacity to house 50 or more people".<sup>17</sup> This suggests that the LWBS of the Mackenzie Valley also interpreted the provision to mean the capacity for overnight guests.

The Board accepts GNWT-ECCs conclusion that "a water licence is not required for the Rachel Reindeer Wellness Camp" and acknowledges that "with different facts GNWT-ECC's interpretation of whether a licence is required may differ."

#### 5.0 CONCLUSION

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

- 1) The Application as submitted by the Applicant; and
- 2) The comments and recommendations, evidence, and submissions received by the Board from Parties during the regulatory proceeding.

The Board is satisfied that the requirements of the *Mackenzie Valley Resource Management Act* and *Waters Act* and *Water Regulations* have been met in respect to the decision to cancel Licence G22L3-004.

SIGNATURE



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**Elizabeth Wright, Chair**  
**Gwich'in, Land and Water Board**

November 21, 2024

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**Date**

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<sup>17</sup> See GLWB.com for [LWBs Guide to the Water Licensing Process](#)