



Yamoga Building, Old Airport Road  
PO Box 1, Fort Good Hope NT X0E 0H0

Tel: 867-598-2413 Fax: 867-598-2325  
www.slwb.com

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### Reasons for Decision

Issued pursuant to section 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA) and subsection 26(1) of the *Waters Act*.

| Water Licence Application |                                      |
|---------------------------|--------------------------------------|
| <b>File Number</b>        | S23L3-002                            |
| <b>Company</b>            | Behdzi'' Ahda First Nation           |
| <b>Project</b>            | New Type B Water Licence Application |
| <b>Location</b>           | Community of Colville Lake, NT       |
| <b>Activity</b>           | Municipal                            |
| <b>Date of Decision</b>   | May 23, 2024                         |

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On May 23, 2024, the Sahtu Land and Water Board (SXWB or Board) met and considered the Application made by Behdzi'' Ahda First Nation (BAFN) (Applicant) to the Board on October 18, 2023 for Water Licence (Licence) S23L3-002 for the use of water and the deposit of waste for a new Type B Water Licence Application (the Project) in the Community of Colville Lake, NT. After reviewing the Application and the evidence gathered during the regulatory proceeding, the Board has made the following decisions:

- 1) To issue Water Licence S23L3-002 for a term of 10 years;
- 2) To approve Version 1.0 of the Sewage Disposal Facilities Operation and Maintenance Plan
- 3) To approve Version 1.0 of the Solid Waste Disposal Facilities Operation and Maintenance Plan
- 4) To approve Version 1.0 of the Water Treatment Plant Operation and Maintenance Plan
- 5) To require revisions to Version 1.0 of the Spill Contingency Plan, which the Applicant must submit as Version 2.0 of the Plan within 90 days of the effective date of the Licence for a conformity confirmation.

These Reasons for Decision set out the Board's regulatory process for the Application and rationale for decisions regarding the Licence. A summary of the Application and the main issues identified during the proceeding is provided in sections [2.0](#) and [3.0](#) below, followed by an outline of the regulatory process for the Application in [section 4.0](#). [Section 5.0](#) describes how the applicable legislative requirements have been met. The Board's decisions and supporting rationale are set out in [section 6.0](#) for the Licence.

## 1.0 List of Defined Terms and Acronyms

|                   |  |
|-------------------|--|
| Applicant         | Behdzi'' Ahda First Nation   |
| Application       | The complete application package submitted by the Applicant for Water Licence S23L3-002                                  |
| CRP               | Closure and Reclamation Plan   |
| CIRNAC            | Crown-Indigenous Relations and Northern Affairs Canada   |
| DFO               | Fisheries and Oceans Canada  |
| DIAND             | Department of Indigenous Affairs and Northern Development  |
| Distribution List | The list of individuals and organizations to whom materials from the regulatory proceeding were circulated. <sup>1</sup> |
| EA / EIR          | Environmental Assessment / Environmental Impact Review   |
| ECCC              | Environment and Climate Change Canada  |
| GNWT              | Government of the Northwest Territories  |
| GNWT-ECC          | Government of the Northwest Territories – Environment and Climate Change   |
| IR                | Information Request  |

<sup>1</sup> To access the Distribution List, see the LWBs' Online Review System for [Behdzi'' Ahda First Nation – Municipal Water Licence Colville Lake NT – Jan 25, 2024](#).

|                             |  |
|-----------------------------|--|
| Inspector                   | An Inspector designated under subsection 65(1) of the <a href="#">Waters Act</a>   |
| Licence                     | Water Licence S23L3-002  |
| LWBs                        | Land and Water Boards of the Mackenzie Valley  |
| MVLUR                       | <a href="#">Mackenzie Valley Land Use Regulations</a>  |
| MVLWB                       | Mackenzie Valley Land and Water Board  |
| MVRMA                       | <a href="#">Mackenzie Valley Resource Management Act</a>   |
| Minister                    | Minister of the Government of the Northwest Territories – Environment and Climate Change   |
| ORS                         | Online Review System ( <a href="https://new.onlinereviewssystem.ca/reviews">https://new.onlinereviewssystem.ca/reviews</a> )             |
| Party                       | As per the LWB <a href="#">Rules of Procedure</a> , an applicant, a person, or an organization participating in this regulatory process. |
| Project                     | New Type B Water Licence Application, the undertaking as described in Part A of the Licence  |
| Review Board                | Mackenzie Valley Environmental Impact Review Board   |
| SCP                         | Spill Contingency Plan   |
| SDF                         | Sewage Disposal Facilities   |
| SLWB or Board               | Sahtu Land and Water Board   |
| SNP                         | Surveillance Network Program   |
| Standard Licence Conditions | LWB <a href="#">Standard Water Licence Conditions Template</a>   |
| SWDF                        | Solid Waste Disposal Facility  |
| WMP                         | Waste Management Plan  |

## 2.0 Summary of Application

On October 18, 2023, the Applicant submitted an application for a new Licence S23L3-002 (the Application).<sup>2</sup> The Application is for a new Type B Water Licence for the Community of Colville Lake, Northwest Territories (NT). This project is for the withdrawal of water from Colville Lake for potable water use and the disposal of waste at the Sewage Disposal Facilities (SDF) and the Solid Waste Disposal Facility (SWDF) for municipal purposes in the community of Colville Lake, NT. These activities are located outside of federal areas and within the Sahtu Settlement Area K’asho Got’ine District. To date, there has not been any Licence previously in place for these activities.

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

- 1) The Application as submitted by the Applicant for the Project;
  - 2) The evidence and submissions received by the Board from the Applicant in relation to the Licence;
- and

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<sup>2</sup> See SLWB Online [www.slwb.com](http://www.slwb.com) for [Colville Lake WL Application – TOC – Letter – Oct 18 23](#).

- 3) The comments and recommendations, evidence, and submissions received by the Board from Parties during the regulatory proceeding.

### **3.0 Main Issues Raised During the Regulatory Proceeding**

These Reasons for Decision focus primarily on the following key issues raised during the regulatory proceeding:

- Draft Water Licence Conditions
- Management and Contingency Plans
- Species at Risk

Details on the key issues above are described in Section 6.0 - Decision. Issues that were resolved by Parties to the Board's satisfaction during the proceeding are not addressed in detail in these Reasons.

### **4.0 Regulatory Process**

On October 18, 2023 the Applicant submitted the Application, which was deemed complete on November 23, 2023 and circulated to the Distribution List for public review on the Online Review System (ORS).<sup>3</sup> By January 11, 2024, the Board received comments and recommendations regarding the Application from the following Parties: Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC); Environment and Climate Change Canada (ECCC); and Fisheries and Oceans Canada (DFO). On January 25, 2024, the Applicant responded to the Parties' comments and recommendations.

On March 21, 2024, Board staff circulated a draft Licence for review to allow all Parties the opportunity to comment on the specific wording of the draft conditions. By April 11, 2024, the Board received comments and recommendations regarding the Application from the following Parties: Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC); and Environment and Climate Change Canada (ECCC). On April 25, 2024, EnviroSearch Ltd., on behalf of the Applicant, responded to the Parties' comments and recommendations.

On May 23, 2024 a preliminary screening determination for the Project was completed.<sup>4</sup>

On May 23, 2024 the Board met to make its decisions regarding the Application. These decisions and related reasons are described in sections [5.0](#), and [6.0](#) below.

### **5.0 Legislative Requirements Related to Licence Issuance**

This Project is subject to the [MVRMA](#), the [Waters Act](#), and the [Waters Regulations](#) with respect to licensing, because it is located outside of federal areas.

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<sup>3</sup> See SLWB Online Review System for Behdzi' Ahda First Nation – New Type B Water Licence – [November 23, 2023](#).

<sup>4</sup> See SLWB Online [Preliminary Screening and Reasons for Decision – Notification Letter to Review Board May 23, 24](#).

As per the [Waters Regulations](#), the proposed use of water, and the deposit of waste for this Project require a licence. Accordingly, the Board has jurisdiction to issue the Licence as per subsection 60(1.1) and section 102 of the [MVRMA](#).

In conducting its regulatory process for the Application (as described in sections [3.0](#) and [4.0](#) above), the Board has ensured that section 62 of the [MVRMA](#) and all applicable legislative requirements have been satisfied as outlined in the subsections below. The Board has considered the people and users of the land and water in the Mackenzie Valley, and any Traditional Knowledge and scientific information that was made available to the Board during the regulatory proceeding, as per section 60.1 of the [MVRMA](#). The consideration of information provided to the Board is discussed in detail below and in sections [6.0](#).

### **5.1 Consultation, Engagement, and Public Notice**

As per paragraph 60.1(a) of the [MVRMA](#), in exercising its authority, the Board must consider the importance of conservation to the well-being and way of life of Indigenous peoples of Canada, 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 Indigenous governments and organizations), and other parties (such as other boards and regulators) to ensure that potential impacts of proposed projects, including impacts on rights under section 35, are understood and carefully considered before decisions are made with respect to the issuance of permits and licences.

The Board's requirements for engagement are set out in the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).<sup>5</sup> The Policy and Guidelines were developed to ensure that the Board's obligations for achieving meaningful consultation (as set out by land claims and applicable legislation) with all affected parties, including Indigenous groups in the Mackenzie Valley, are met and engagement and consultation results clearly articulated.

The applicant did not submit an Engagement Record and Plan, as the Project Applicant represents and works on behalf of the community of Colville Lake, NT. The Board has approved the exclusion of an Engagement Record and Plan for this Project.

The Application was posted to the Board's Public Registry and distributed through the ORS. As the Project is located in the K'asho Got'ine District, the appropriate organizations, governments, First Nations, and Indigenous organizations were included in the Distribution List.<sup>6</sup> The Distribution List was used throughout this proceeding to circulate submissions, information, and updates relevant to the proceeding; the List

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<sup>5</sup> See SLWB Policies and Guidelines webpage to access the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#).

<sup>6</sup> To access the Distribution List, see the LWBs' Online Review System for Behdzi'' Ahda First Nation – New Type B Water Licence Application – [Nov 23, 2024](#).

was updated if needed, and (if requested) individuals with specific interests in the Project were added. More information about the proceeding for the Application is provided above in [section 4.0](#).

In accordance with sections 63 and 64 of the [MVRMA](#), the Board is satisfied that notice of and access to copies of the Application was provided, and that a reasonable amount of time was given to communities, First Nations, and the public to participate in this proceeding and make submissions to the Board.

## **5.2 Land Use Plan Conformity**

As per section 61 of the [MVRMA](#), where an approved Land Use Plan applies, the Board must confirm conformity with the Land Use Plan before issuing a permit or licence. Based on the submissions made during the regulatory proceeding, the Board has confirmed that the Project conforms with the *Sahtu Land Use Plan*, in that No Approved Land Use Plan applies in the Project area, as the Project falls within the community boundaries of the community of Colville Lake.

## **5.3 Water Use Fees**

There are no water use fees set out in the [Waters Regulations](#) for municipal water use.

## **5.4 Existing Licences**

During the time period established in the Notice of Application, no licensees or applicants contacted the Board to identify potential effects from the Project on other projects, and there are no other applicants with precedence. Accordingly, with respect to paragraph 26(5)(a) of the [Waters Act](#), the Board is satisfied that issuing the Licence to the Applicant will not adversely affect, in any significant way, any existing licensee or any other applicant, provided the Applicant complies with the conditions of the Licence. the Applicant complies with the conditions of the Licence.

## **5.5 Compensation to Existing Water Users**

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 the Applications with the Board.

The Board received no claims for compensation either during the time period established in the Notice of Application, or during the remainder of the proceeding. Provided the Applicant complies with the Licence conditions, the Board is satisfied there are no water users or persons listed in paragraph 26(5)(b) of the [Waters Act](#) who will be adversely affected by the proposed use of waters or deposit of waste.

## **5.6 Water Quality Standards**

With regards to subparagraph 26(5)(c)(i) of the [Waters Act](#), no water quality standards have been prescribed in the [Waters Regulations](#); however, the LWB [Waste and Wastewater Management Policy](#)

applies to the Licence, and the primary objective of the Policy is “protection of water quality in the receiving environment.”<sup>7</sup> This objective is directly reflected in the Licence Condition OBJECTIVE – WATER AND WASTE MANAGEMENT, and in accordance with the Policy and this objective, the Board has set out conditions in the Licence regarding water, waste and wastewater management, and management plan requirements. The Board is satisfied that the conditions set out in the Licence consistent with the Policy and compliance with these conditions will ensure that waste will be managed and disposed of in a manner that will be protective of water quality in the receiving environment. These conditions and detailed rationale are described in [section 6.7](#).

### **5.7 Effluent Quality Standards**

The Project does not entail the disposal of effluent, so subparagraph 26(5)(c)(ii) of the [Waters Act](#) does not apply..

### **5.8 Financial Responsibility**

Under paragraph 26(5)(d) of the [Waters Act](#), before the Board can issue the Licence, it must be satisfied that the Applicant’s financial responsibility is adequate to complete the Project, including any required mitigation measures, and the closure and reclamation of the site.

The Applicant is a public government, and the Board is confident that the Applicant is capable of meeting any financial obligations set out in the [Waters Act](#) and Licence.

### **5.9 Minimization of Adverse Effects**

With regards to subsection 27(2) of the [Waters Act](#), the Board must ensure that the Licence conditions minimize potential adverse effects on other water and land users from the proposed use of water and deposit of waste. As discussed above in [section 5.1](#), the Applicant and the Board provided opportunities for potentially affected parties to make submissions to the Board during the regulatory proceeding. The Board did not receive notice of potentially adverse effects on other users of the water and lands in the Project area. The Board has also confirmed that the Project conforms with the *Sahtu Land Use Plan*.

Regardless, as noted above in sections 5.6, and as detailed in [section 6](#), the Board has set conditions in the Licence to regulate waste management for the purpose of protecting the receiving environment. Additionally, as described in [section 6.5](#), based on the evidence, the Board has set conditions regarding the use of water for the Project, including limitations on the sources and volumes of water the Licensee can use. It is the opinion of the Board that compliance with the Licence conditions that have been set to protect the water sources and the receiving environment will also minimize any potential adverse effects on other water and land users in the Project area.

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<sup>7</sup> See [SLWB Policies and Guidelines](#) webpage to access the [LWB Waste and Wastewater Management Policy](#).



## **5.10 Time Limit**

As required under section 48(1) of the [Waters Act](#), the Board made its decision on the Licence within nine months after receiving the complete Application.

## **5.11 Environmental Review (Part 5 of the MVRMA)**

### **5.11.1 Preliminary Screening**

On May 23, 2024, the Board met and has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed Project. Based on the evidence, it is the Board's opinion that the proposed Project is not likely to have a significant adverse impact on air, water, and/or renewable resources, and will not be a cause of public concern, as set out in paragraph 125(2)(a) of the [MVRMA](#). The Board has therefore decided not to refer the proposed Project to Environmental Assessment.

In accordance with section 125 of the [MVRMA](#), the Board notified the Review Board of its preliminary screening determination,<sup>8</sup> and in the ten days following the Board's preliminary screening determination notification to the Review Board, the Board did not receive notice of referral to environmental assessment (EA). Subsequently, the Board proceeded with issuing the Licence.

The Board is satisfied that the requirements of Part 5 of the [MVRMA](#) have been met for the Project.

## **6.0 Decision – Water Licence S23L3-002**

Having due regard to the facts, circumstances, and the merits of the submissions made to it, and to the purpose, and provisions of the [MVRMA](#) and the [Waters Act](#), the Board has determined that Licence S23L3-002 should be issued, subject to the scope, defined terms, conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below., conditions, and term contained therein. The Board's determinations and reasons for this decision are set out below.

The Licence has been developed to address the Board's statutory responsibilities; to protect the receiving environment and minimize potential adverse effects on other water users; and to address issues within the Board's jurisdiction that were identified and investigated during the regulatory proceeding.

In developing the Licence, the Board considered the LWB [Standard Water Licence Conditions Template](#) (Standard Licence Conditions)<sup>9</sup> and included a number of these standard conditions that are relevant to the Project. As noted in [section 4.0](#), Board staff circulated a draft Licence for review to allow Parties to provide specific input to the Board on possible conditions, and the Board considered these review comments and recommendations in making its determination on the Licence conditions.

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<sup>8</sup> See SLWB Online [Preliminary Screening and Reasons for Decision – Notification Letter to Review Board May 23 24](#).

<sup>9</sup> See SLWB Policies and Guidelines webpage to access the LWB [Standard Water Licence Conditions Template](#).

The Standard Licence Conditions have been established by the Land and Water Boards (LWBs) based on information from LWB policies and guidelines, other applicable guidelines and best practices, meetings with Inspectors, input from LWB staff, and feedback from a public review. Each standard condition has been evaluated against the following characteristics of an ideal condition:

- Clearly part of LWBs' authority;
- Has a clear purpose and rationale;
- Is practical and enforceable; and
- Does not conflict with existing legislation (i.e., is not less stringent).

The Standard Licence Conditions include general rationale for each standard condition, and as such, the language of any standard condition included in the Licence is only discussed in detail in the following sections of these Reasons for Decision when it specifically relates to concerns or recommendations raised during the regulatory proceeding. The Board's reasons for developing and including Project-specific conditions, including discussion of any concerns and recommendations raised regarding these conditions, are detailed in the relevant sections below.

## **6.1 Term of Licence**

The Applicant has applied for a term of ten years for the Licence. Subsection 26(2) of the [Waters Act](#) allows for a licence term of not more than 25 years for a type B licence. No comments were received on the requested Licence term. After reviewing the submissions made during this regulatory process, the Board has determined an appropriate term for the Licence is ten years.

## **6.2 Part A: Scope and Defined Terms**

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

### **6.2.1 Scope**

The scope of the Licence is written to ensure the Licensee is entitled to conduct activities which have been applied for and have been subject to Part 5 of the [MVRMA](#). In setting out the scope of the Licence, the Board endeavoured to provide enough detail to identify and describe the authorized activities, without being unduly restrictive or prescriptive, and to allow for Project flexibility, as contemplated in the Application, throughout the term of the Licence.

Based on the activities described in the Licence Application and on the scope outlined in the Standard Licence Conditions, Board staff included a draft scope in the draft Licence that was circulated for public review. The Board did not receive any comments or recommendations regarding the draft scope during the proceeding, so the Board accepted it as the scope of the Licence.

The conditions in Part A are consistent with the Standard Licence Conditions. These conditions ensure that the scope of the authorization includes all water uses and deposits of waste associated with the

Project, and also clarify that the Licensee must comply with applicable legislation, including any changes to legislation that are deemed to automatically amend the Licence.

### **6.2.2 Defined Terms**

The Board defined certain terms in the Licence to ensure a common understanding of the conditions, to avoid future differences in interpretation of the Licence, to reflect Project-specific evidence, and to support consistency across licences and permits issued by the LWBs. For the most part, the Board selected applicable defined terms relevant to the Project from the Standard Licence Conditions. The Applicant proposed adding select definitions for clarity, which the Board agreed with and where appropriate, the Board created new defined terms, modified standard wording, or used Project-specific definitions to reflect the evidence as described below:

- **Colville Lake** was included to differentiate between the water body and the community of Colville Lake.
- The **Community of Colville Lake** was included to differentiate between the community and the water body.

### **6.3 Part B: General Conditions and Schedules 1 and 2**

Part B of the Licence primarily contains general administrative conditions regarding implementation of the Licence, and compliance with the Licence conditions, Board directives, and LWB policies and procedures. This section also details compliance requirements and review and revision procedures for submissions required under the Licence. These conditions are consistent with the Standard Licence Conditions and are applicable to all licences.

#### PART B: COMPLY WITH SURVEILLANCE NETWORK PROGRAM and Schedule 1

A Surveillance Network Program (SNP) is set out in Schedule 1 of the Licence. The SNP details the sampling and monitoring requirements related to compliance with several conditions in the Licence. Requirements for measuring flows and volumes are based on standard licence conditions as are the reporting requirements. The Board can update the SNP in accordance with Condition 13 UPDATES TO SCHEDULES AND COMPLIANCE DATE(S).

Under Schedule 1, the SNP currently reflects sampling (current and future) locations, frequencies, and analytical parameters for monitoring for potential adverse effects on the surrounding environment of the disposal facilities and to monitor for water usage. The Applicant responses during the application (Comment 3) and draft Licence review indicate they understand the SNP stations are not their asset to manage and are monitored by others. They have stated that they do not necessarily agree that this should be their responsibility and until self-government negotiations are completed, they request the SNP be conducted by those who have previously been involved. The Board discussed this with the Applicant and will need confirmation that an organization such as GNWT-ECC Contaminants Division, will complete the SNP on behalf of the Applicant.

Under Schedule 1 for the SNP locations, during the Draft Licence review, Board Staff and GNWT-ECC suggested the Applicant consider changing the SNPs at the SDF from groundwater to surface water monitoring locations and moving the SNPs (SNP-C, SNP-E, SNP-P) closer to the SDF near the natural pond, expected to have sufficient surface water. The Applicant replied to this point and recommended three surface water SNPs located closer to the SDF near and at the natural pond. Updated Figures of the SNP sampling stations are included in the Board Package.

#### Part B: UPDATES TO SCHEDULES AND COMPLIANCE DATES

Compliance dates are included in the Licence conditions for various submissions and other requirements, and Schedules are appended to the Licence to set out the detailed requirements associated with specific conditions in the main body of the Licence. The purpose of the Schedules is to provide greater clarity and to aid in interpretation of Licence conditions.

This standard Condition UPDATES TO SCHEDULES AND COMPLIANCE DATES is included in the Licence to clarify that the Board may, at its discretion, update compliance dates and the Schedules and that such updates are not considered amendments to the Licence, unless otherwise directed by the Board. Such updates may be requested by the Licensee in writing at least 90 days in advance or may be initiated by the Board based on the information available to it, and will undergo the Board's public review process before being considered by the Board.

The Board requested the Applicant recommend a date for the Condition 7 ANNUAL REVIEW. The Applicant requested an annual date of August 31 to allow adequate time to complete all Plan reviews prior to the provisioning using the winter road, and between the Spring and Fall hunts that are essential to the community.

#### Part B: ANNUAL WATER LICENCE REPORT and Schedule 2

The requirements for the Annual Water Licence Report are outlined in Condition 17 (ANNUAL WATER LICENCE REPORT), and Schedule 2, Condition 1. The purpose of the Annual Water Licence Report is to provide the Board and all interested parties the opportunity to be annually updated on Project components and activities and compliance with Licence conditions, and to provide a platform for interested parties to submit comments, observations, feedback, and questions as necessary. The Report is also an important tool for evaluating the effectiveness of the Licence conditions.

In establishing the Annual Report requirements in the Licence, the Board primarily included requirements from the Standard Licence Conditions that are applicable to the Project and reflect the Licence conditions. The Board also included Project-specific requirements for the annual due date of June 30 for the Annual Report, confirmed with the Applicant during the review of the draft Licence. This date works best as it falls between the Spring and Fall hunts. All of these 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 the Standard Licence Conditions.

For clarity, Annual Water Licence Reports are required each year, regardless of whether the Licensee has conducted any activity during the reporting year.

#### Part B: ENGAGEMENT PLAN – REVISED

The Board assesses engagement adequacy through the LWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). The Board did not require an Engagement Plan from the Applicant for the Licence, because it is a municipal licence, and the Applicant is a community government, representing the community for which the Licence applies.

#### **6.4 Part C: Conditions Applying to Security Requirements**

The Board did not include security requirements in the Licence because it is a municipal licence, and the Applicant is a community government. As per section 94 of the [MVRMA](#), territorial and federal governments are not required to post security for permits; although this exemption does not apply to community governments or licences, it has been Board practice to not require security for municipal projects when the applicant is a community government. The Board is satisfied that the Licensee will be accountable for carrying out closure and reclamation even though a security deposit is not required.

#### **6.5 Part D: Conditions Applying to Water Use**

Part D of the Licence contains conditions related to water use for the Project. These are consistent with the Standard Licence Conditions.

The maximum quantity of water that can be withdrawn from Colville Lake is 37,500 m<sup>3</sup>/year.

During the review of the Application, the Department of Fisheries and Oceans Canada (Comment 1) was seeking confirmation that a fish protective screen was present on the water intake pipe, based on the water intake rate. The Applicant confirmed that a pump intake end-of-pipe fish screen was included in the original design and installed for the raw water pump at the time of original construction 2006-2007 and it is currently in place. A drawing of this was also provided and is attached with the Figures (Dillon Consulting for GNWT Public Works and Services, May 2006). This objective is directly reflected in the Licence Condition 4 WATER INTAKE SCREEN.

The Applicant, during review of the draft Licence, was seeking verification that Condition 2 WATER WITHDRAWAL – FACILITIES covered both methods of withdrawal through 1) the existing pumphouse routed through the bypass piping (in the inoperative WTP) to the truck fill, and 2) direct water withdrawal via portable pump to be used as a backup should the pumphouse be down. The Board discussed with the Applicant and confirmed this covers all ways water is withdrawn for drinking water purposes, including when the new Water Treatment Plant is constructed and in operation.

## **6.6 Part E: Conditions Applying to Construction and Schedule 3**

Part E and Schedule 3 of the Licence contain conditions applying to Construction activities for the Project. These are consistent with the Standard Licence Conditions.

During the review of the draft Licence, the Applicant noted that projects requiring new designs or significant design changes (ex. new Water Treatment Plant), that the 90-days may not be sufficient time for these reviews. The Board clarified with the Applicant the Licence Condition 5 DESIGN AND CONSTRUCTION PLAN and Condition 6 DESIGN DRAWINGS are a minimum of 90-days and they can submit these records further in advance. As well, the Applicant was concerned that everyday repairs may require written authorization or notification, as noted in Condition 7 NOTIFICATION – CONSTRUCTION – ENGINEERED STRUCTURES.

The Board clarified that standard routine operations and maintenance work, such as berm work, would not require written authorization but annual activities should be included in the Annual Report. Any major construction requiring a Design and Construction Plan will need approval from the Board, as it will be publicly reviewed, allowing for incorporation of comments or concerns raised.

## **6.7 Part F: Conditions Applying to Waste and Water Management**

Part F of the Licence contains conditions applying to Waste and Water management activities for the Project. These are consistent with the Standard Licence Conditions.

All applicants must submit detailed water and waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. Municipal applicants must submit waste management information in Operations and Maintenance Plans (O&M Plans).

The Applicant submitted O&M Plans for the water treatment plant, the wastewater (sewage) disposal facilities, and the solid waste disposal facilities. The Board's decisions on these Plans are detailed in the following subsections.

### **Part F: WATER TREATMENT PLANT OPERATION AND MAINTENANCE PLAN**

Part F Condition 8 lists the requirements for the Water Treatment Plant Operation and Maintenance (O&M) Plan. This Plan is required to ensure the water is managed in accordance with the [Waters Act](#) and the objectives listed in Part F, Condition 1 (OBJECTIVE – WASTE AND WATER MANAGEMENT) of the Licence.

The Applicant submitted the O&M Plan for the Water Treatment Plant using the MVLWB/GNWT Operations and Maintenance Plan Templates for Municipal Water Licences with the application.

During the review of the draft Licence, the Applicant was concerned of the 12-month timeline from Licence issuance to submit a WATER TREATMENT PLANT OPERATION AND MAINTENANCE PLAN - REVISED, when the new Water Treatment Plant construction will not be completed by then. Board staff clarified that the Board needs to approve the O&M or the O&M-REVISED during the Board Meeting. The current O&M using the template includes the current operation and maintenance details. Once the new Water Treatment Plant is in place, the O&M would be revised during the annual review of plans (Part B: Condition 7 – ANNUAL REVIEW), which is understood to be greater than the 12-month period from Licence issuance. The Board has approved the Water Treatment Plant Operation and Maintenance Plan Version 1.0 because it meets the requirements of the Template and is appropriate for the Project activities.

#### Part F: SEWAGE DISPOSAL FACILITIES OPERATION AND MAINTENANCE PLAN

Part F Condition 9 list the requirements for the Sewage Disposal Facilities Operation and Maintenance Plan. This Plan is required to ensure the sewage waste is managed in accordance with the [Waters Act](#) and the objectives listed in Part F, Condition 1 (OBJECTIVE – WASTE AND WATER MANAGEMENT) of the Licence.

The Applicant submitted the O&M Plan for the Sewage Disposal Facilities using the MVLWB/GNWT Operations and Maintenance Plan Templates for Municipal Water Licences with the application.

During the review of the Application, ECCC (Comment 13) recommended to monitor sewage effluent quality and quantity, timing, and monitor sewage treatment performance. The Applicant responded that the size of the sewage lagoon greatly exceeds the sewage output of the community and that there has never been an effluent discharge since its construction in 2013. Based on this information, Board staff have not included effluent quality criteria (EQC) in the Licence.

As well, during review of the draft Water Licence, the Applicant questioned the Condition 11 SEWAGE DISPOSAL FACILITIES – FREEBOARD and Condition 12 SEWAGE - SEWAGE DISPOSAL FACILITIES as to if these are required when the facility is designed as an evaporative system, and because of its large size, the effluent has not been discharged to date. Although it is understood that the freeboard condition or discharge may not be applicable at this time, Board staff have included the above standard conditions, as they are protective in the event of future changes.

The Board has approved the Sewage Disposal Facilities Operation and Maintenance Plan, Version 1 because it meets the requirements of the Template and is appropriate for the Project activities.

#### Part F: SOLID WASTE DISPOSAL FACILITIES OPERATION AND MAINTENANCE PLAN

Part F Condition 13 list the requirements for the Solid Waste Disposal Facilities Operation and Maintenance Plan. This Plan is required to ensure the solid waste is managed in accordance with the [Waters Act](#) and the objectives listed in Part F, Condition 1 (OBJECTIVE – WASTE AND WATER MANAGEMENT) of the Licence. of the Licence.

The Applicant submitted the O&M Plan for the Solid Waste Disposal Facilities using the MVLWB/GNWT Operations and Maintenance Plan Templates for Municipal Water Licences with the application.

During review of the Application, ECCC (Comments 2, 3, 4, 5, 6, 7) commented on concerns about the protection of wildlife, species at risk (SAR), habitat, and nesting birds during the Project activities such as demolition, construction, or land clearing that may occur. ECCC recommended the Applicant refer to multiple resources (ex. the SAR registry or Migratory Birds Regulations) prior to any disturbance work occurring. The Applicant response indicates that the Project is conducted on previously disturbed land and roadways and daily activities are unlikely to be detrimental to wildlife or habitat. In the event of future construction (ex. the new Water Treatment Plant), the Applicant will work with the Contractors to provide detailed plans for the protection of wildlife, habitat, and nesting birds.

During the draft Licence review, the Applicant inquired if standard Condition 18 SOLID WASTE – NO INCINERATION is applicable, as incinerating materials does occur at times at the SWDF, as indicated in the application. The Board discussed with the Applicant that they need to contact the Inspector for authorization for incineration and this standard condition is applicable to the Licence.

The Board has approved the Solid Waste Disposal Facilities Operation and Maintenance Plan, Version 1 because it meets the requirements of the Template and is appropriate for the Project activities.

#### **6.8 Part G: Conditions Applying to Aquatic Effects Monitoring Program**

The Board did not include any AEMP requirements in the Licence, because the Board did not receive any evidence recommending or indicating that an AEMP is needed.

#### **6.9 Part H: Conditions Applying to Contingency Planning**

Part H of the Licence contains conditions related to spill contingency planning and reporting, reclamation of spills and unauthorized discharges, and emergency response for the Project. These conditions are consistent with the Standard Licence Conditions.

#### **Part H: SPILL CONTINGENCY PLAN - REVISED**

All applicants must describe spill contingency planning. For municipal applicants, this will be in the form of a Spill Contingency Plan (SCP), developed in accordance with the MVLWB/GNWT Spill Contingency Plan Template for Municipal Water Licences, and will include standard conditions regarding compliance with the Plan, as approved by the Board.



The Licensee included a SCP in the Application.<sup>10</sup> The Board considered this Plan as part of the Application Package.

The Board requires that the Licensee revise the SCP and submit Version 2.0, within 90 days of the effective date of the Licence, to reflect updates as agreed to during the regulatory proceeding, to reflect the Project activities, to meet the applicable guidelines, and to include the following:

- Section 2.7 SCP – Distribution and Storage of Spill Contingency Plan; a copy of the SCP should be located at all the Facilities listed including the WTP, SDF, SWDF, and Bulk Fuel Storage Facility, in addition to the Community main office and the BAFN Office.
- Section 2.12 SCP – Resource Inventory; Update the form to show what is included in the spill kit for each facility.
- Section 2.13 SCP – Training; Update the form to show what specific training is required for each facility

The Plan will be considered approved when the Licensee receives written confirmation of conformity from Board staff. A public review will typically not be required to confirm conformity; however, if the revised Plan includes additional information beyond what has been requested above, a public review may be required before it can be considered by the Board. To ensure that no spills occur before appropriate spill response procedures and equipment are in place, the Licensee may not commence Project activities until conformity is confirmed.

#### **6.10 Part I: Conditions Applying to Closure and Reclamation and Schedule 4**

Part I and Schedule 4 of the Licence contain conditions applying to closure and reclamation, including progressive reclamation of the Project. These are consistent with the Standard Licence Conditions.

##### Part I: COMPONENT-SPECIFIC CLOSURE AND RECLAMATION PLAN

Conceptual closure and reclamation plans were not included in the O&M Plans submitted with the Application. Due to the on-going nature of municipal operations, municipal licences do not typically require the development of a site-wide CRP; however, prior to closure and reclamation of any specific facility, the licensee must submit to the Board, for approval, a Component-Specific CRP. Accordingly, this Part I: Condition 1 COMPONENT-SPECIFIC CLOSURE AND RECLAMATION PLAN and Schedule 4 sets out the requirements for Component-Specific CRPs for the facilities included in the scope of the Licence. All Component-Specific CRPs for the Project must include, at a minimum, 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](#).<sup>11</sup>

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<sup>10</sup> See SLWB Online Registry for Behdzi' Ahda First – Spill Contingency Plan V1 – [Oct 18, 2023](#).

<sup>11</sup> See SLWB Resources for Municipalities webpage to access the ECCC [Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document](#).

### **6.11 Attachment A: Concordance Table of Submissions**

Attachment A of the Licence contains a table that summarizes the submissions required by the Licence conditions.

### **6.12 Attachment B: Revision History Table**

Attachment B 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.

**7.0 Conclusion**

Subject to the scope, definitions, conditions, and terms set out in the Licence, and for the reasons expressed herein, the SLWB is of the opinion that the activities, water use, and waste disposal associated with the Project can be completed by Behdzi'' Ahda First Nation on behalf of the Community of Colville Lake, NT 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 S23L3-002 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 Behdzi'' Ahda First Nation's use of the water as authorized by the Licence.

SIGNATURE



May 23, 2024

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**Valerie Gordon, Chair**  
**Sahtu Land and Water Board**

**Date**

Appendices and Annexes

| <b>Water Licence Application</b> |                                      |
|----------------------------------|--------------------------------------|
| <b>File Number</b>               | S23L3-002                            |
| <b>Company</b>                   | Behdzi'' Ahda First Nation           |
| <b>Project</b>                   | New Type B Water Licence Application |
| <b>Location</b>                  | Community of Colville Lake, NT       |
| <b>Activity</b>                  | Municipal                            |