



Inuvialuit Land Administration

PO Box 290, Tuktoyaktuk, NT X0E 1C0
Tel: 867 977 7100 Fax: 867 977 7101

December 11, 2009

Northwest Territories Water Board (Inuvik Office)
P.O. Box 2531
Suite 302, 125 Mackenzie Road
Inuvik, NT
X0E 0T0

Email: McKenzieS@nwtwb.ca

RE: Hamlet of Tuktoyaktuk Municipal Water Licence Renewal Application

On December 4, 2009 the Inuvialuit Land Administration (ILA) received an email from the Northwest Territories Water Board (NWTWB) requesting comments on the hamlet of Tuktoyaktuk's water licence renewal application.

The following comments and advice are based on the ILA's mandate to supervise, manage and administer Inuvialuit private land as detailed in the Inuvialuit Final Agreement (IFA) as follows:

1. Under section 7 of the IFA, the Inuvialuit are granted approximately 35,000 square miles of land under the responsibility of the ILA;
2. Under section 7.(2) of the IFA, the ILA is responsible for the beds of all lakes, rivers, creeks, streams and other water bodies found in Inuvialuit private lands;
3. Impacts to the environment are often transitory in nature and will migrate to adjacent lands; and,
4. Many communities' waste disposal sites are located on, or adjacent to Inuvialuit private land and the run-off and displaced wastes from these sites ultimately impact Inuvialuit private land.

Based on a review of the renewal application submitted by the hamlet and the NWTWB's public registry the ILA recommends that the following be considered by the NWTWB:

Annual Reports

- According to the NWTWB's public registry the hamlet has submitted all annual reports under the previous water licence. Although the annual reports were not submitted on time, the ILA believes the hamlet has proven itself to be administratively compliant and should be rewarded with a water licence term of around 5 years.

Kudluk Lake Water Intake Facility

- The hamlet's spill contingency plan should specifically identify how spills will be detected, mitigated and remediated at the Kudluk Lake water intake facility. Since the Kudluk Lake water intake facility is in a remote location, spill detection may be difficult and special procedures should be in place for the site.

Draft Licence Wording

- The wording for sampling points in the draft licence reads as follows:
“All Sewage effluent discharged from the Sewage Disposal Facilities at “Surveillance Network Program” Station Number 0714-2 shall meet the following effluent quality standards:”
- The ILA suggests that the following wording be added:
- “...shall meet the following effluent quality standards *prior to discharge*:”
- The ILA believes this additional wording will ensure that acceptable effluent quality is confirmed prior to discharge.

Upgrade to Water Treatment Plant

- The hamlet should be reminded that as-built drawings of the upgrades for the water treatment plant will need to be submitted to the NWTWB within ninety days of the completion of the upgrades.

Renewal of Water Licence

- The ILA supports the renewal of Tuktoyaktuk's municipal water licence.

The ILA appreciates the opportunity to provide comment and advice on Tuktoyaktuk's water licence renewal application. If there are any questions or comments please feel free to contact me.

Deon Bridge

Inuvialuit Land Administration

Land Use Research Advisor



P. O. Box 1871
Inuvik, Northwest Territories
X0E 0T0

December 24, 2009

Your file Votre référence
N7L3-0714

Our file Notre référence
09-HCAA-CA6-00135

Sarah McKenzie
Northwest Territories Water Board
Inuvik, Northwest Territories
X0E 0T0

Dear Ms. McKenzie:

Subject: Proposal not likely to result in impacts to fish and fish habitat provided that additional mitigation measures are applied.

Fisheries and Oceans Canada - Fish Habitat Management Program (DFO) received the proposal on December 4, 2009. Please refer to the file number and title below:

DFO File No.: **09-HCAA-CA6-00135**
Title: **Tuktoyaktuk Municipal Water Licence Renewal**

The proposal has been reviewed to determine whether it is likely to result in impacts to fish and fish habitat which are prohibited by the habitat protection provisions of the *Fisheries Act* or those prohibitions of the *Species at Risk Act* that apply to aquatic species.*

Our review consisted of:

Hamlet of Tuktoyaktuk Municipal Water Licence Application

We understand that the proponent plans to:

- Report monthly and annual quantities (in cubic meters) of fresh water obtained from all sources.
- Obtain all water for human consumption from Kudlak Lake.
- Not take more than 100,000 cubic meters annually from Kudlak Lake.

To reduce potential impacts to fish and fish habitat we are recommending the following mitigation measures be included into the proposed plans:

*Those sections most relevant to the review of development proposals include 20, 22, 32 and 35 of the *Fisheries Act* and sections 32, 33 and 58 of the *Species at Risk Act*. For more information please visit www.dfo-mpo.gc.ca.

1. The DFO Protocol for Winter Water Withdrawal in the Northwest Territories states that withdrawal from a single waterbody in one ice-covered season is not to exceed 10% of the available water volume. *The total volume of water in Kudlak Lake should be estimated and provided to DFO to ensure conformity with the Protocol.* The Protocol is attached for your information.
2. Water intakes should be properly screened with fine mesh of 2.54 mm (1/10”) and have moderate intake velocities to prevent the entrainment of fish. Please refer to the Freshwater Intake End-of-Pipe Fish Screen Guideline (DFO, 1995) which is attached.

Provided that the additional mitigation measures described above are incorporated into the proposed plans, DFO has concluded that the proposal is not likely to result in impacts to fish and fish habitat.

The proponent will not need to obtain a formal approval from DFO in order to proceed with the proposal.

If the plans have changed or if the description of the proposal is incomplete the proponent should contact this office to determine if the advice in this letter still applies.

Please be advised that any impacts to fish and fish habitat which result from a failure to implement the proposal as described or incorporate the additional mitigation measures included in this letter could lead to corrective action such as enforcement.

If you have any questions please contact the undersigned at (867) 777-7515, by fax at (867) 777-7501, or by email at Amanda.Joynt@dfo-mpo.gc.ca.

Yours sincerely,

(original signed by Amanda Joynt)

Amanda Joynt
Fish Habitat Biologist

Copy: D. Raddi – Hamlet of Tuktoyaktuk
L. Fyfe – MACA
L. Dow – DFO
T. Stein – DFO
J. Davies – INAC

Attachments: Freshwater Intake End-of-Pipe Fish Screen Guideline
DFO Protocol for Winter Water Withdrawal in the Northwest Territories