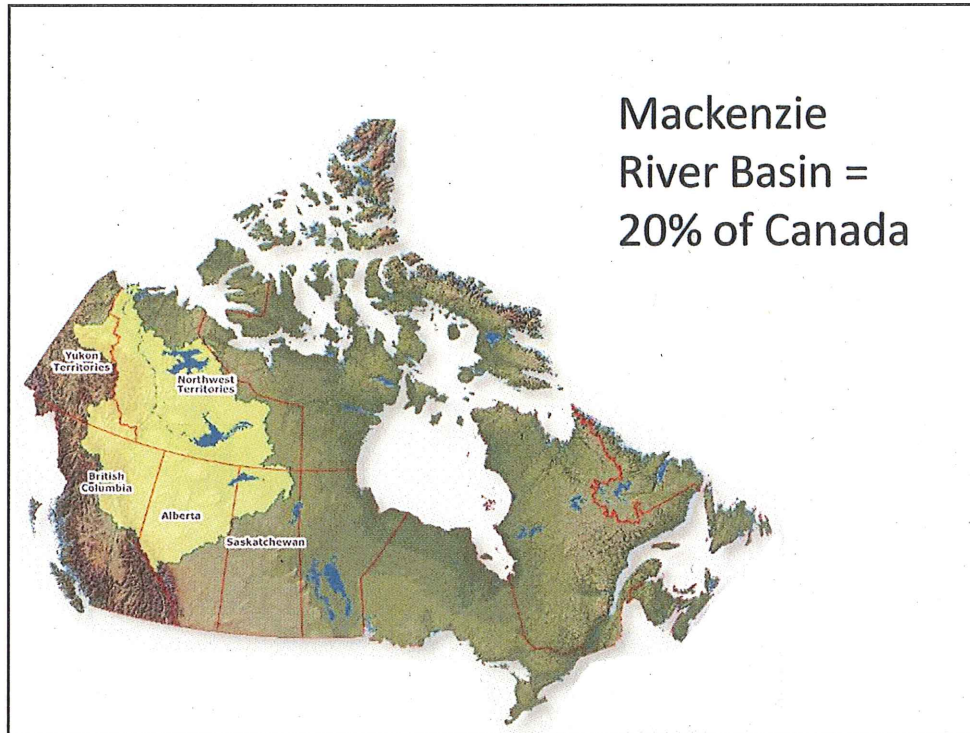


Downstream: Transboundary Issues in the Northwest Territories



Gary Bohnet, Deputy Minister of Environment and Natural Resources of the Government of the Northwest Territories.

Trish Merrithew-Mercredi, Regional Director General of Indian and Northern Affairs Canada, Northwest Territories.



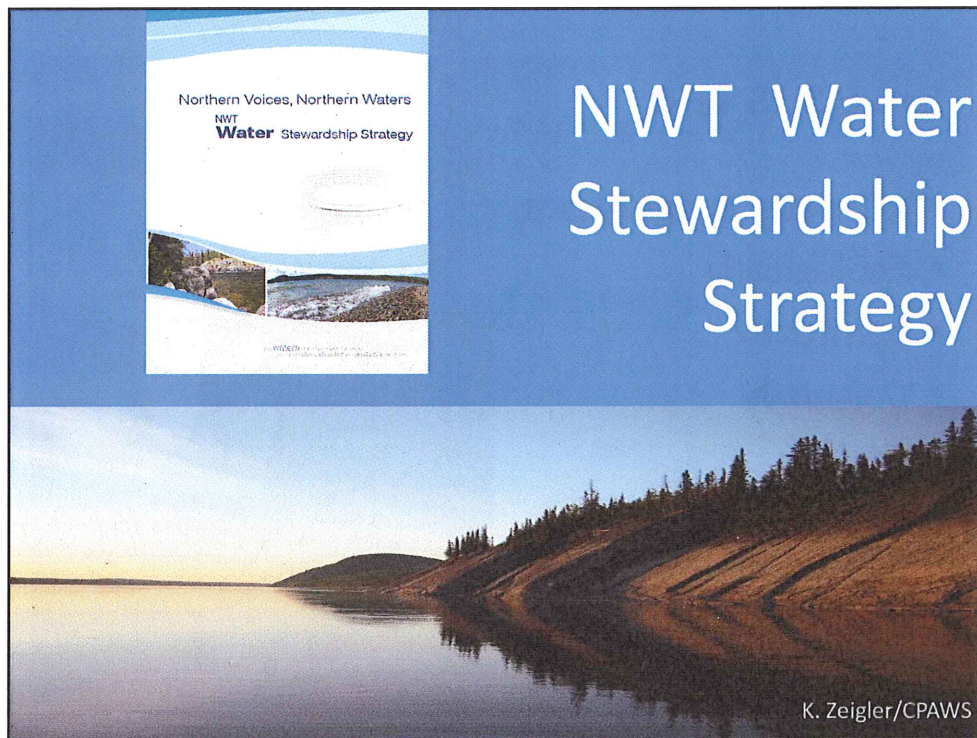
Water is highly significant in the Northwest Territories – for all residents but particularly for the territory's Aboriginal peoples.

In recent years, widespread concern has been voiced about the potential downstream impacts of activities in neighbouring jurisdictions.

Our new NWT Water Stewardship Strategy provides a comprehensive and consistent approach to water for all decision makers and users for improved water stewardship in the NWT.

Transboundary water agreements with our neighbours will help ensure waters entering our borders are substantially unaltered in quality, quantity, and rates of flow and maintain ecosystem health.

The Mackenzie River Basin (shown here) equals about 20% of Canada's land mass, covering 1.8 million square kilometres. It contributes 60% of the freshwater flowing to the Arctic Ocean from Canada.



Northern Voices, Northern Waters: The NWT Water Stewardship Strategy was publicly released May 20, 2010, and is a joint initiative between the governments of Canada and the Northwest Territories in partnership with Aboriginal governments.

After broad engagement of northerners – communities, Aboriginal governments, resource management and regulatory boards, industry, and non-government organizations — over a two-year period, the Strategy reflects the voices of northerners.

The Strategy will enhance cooperation among those involved in water stewardship – from residents to municipal, regional, territorial, and federal decision makers – and inform transboundary water negotiations.

The Strategy's vision, principles, and goals take an ecosystem-based approach, holistically placing humans within the context of ecosystems.

The Water Strategy is now entering into the implementation planning phase.

Water is Life

NWT water is significant:

- Ecologically
- Spiritually
- Culturally
- Socially
- Economically



The Water Strategy recognizes that water is not only essential for healthy ecosystems but has tremendous social, cultural and economic value.

The Strategy sets out a common vision, principles, goals, and a course of action defined as Keys to Success.

It does not affect or infringe upon existing or asserted Aboriginal rights, treaty rights or land, resource and self-government agreements.

Traditional knowledge is a key element of the Strategy and is, in fact, becoming more mainstream.

The Strategy sets the NWT mandate and expresses the NWT's expectations for transboundary water negotiations and agreements with neighbours who share the Mackenzie Basin.



Politics of Water

Our unique location, environment and linkages to the land have helped push the issues of water management and security to the forefront in the NWT.

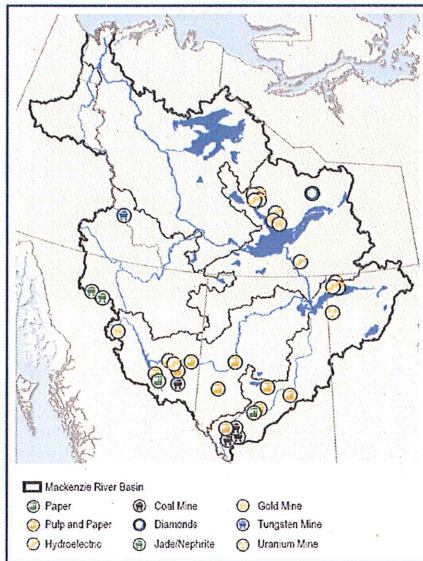
But as pressures and demands from local, regional, nation and international developments increase, it is apparent that preserving this vital resource will also require substantial political will.

Land Claims, self government and co-management regimes have given Aboriginal people a more active role in managing resources than in most Canadian jurisdictions.

Our Government is working with Aboriginal governments and other resource management partners to ensure our rich natural resources contribute to healthy communities and to maintain our healthy and diverse ecosystems. Water is fundamental to these objectives in the Northwest Territories as it is in all other Canadian jurisdictions.

Residents want and need to be assured that their government is maintaining and sustaining watersheds for the benefit of current and future generations – in fact, they are demanding it.

Resource Use In The Mackenzie River Basin



Oil and Gas Fields

- Western Sedimentary Basin
- Athabasca Oil Sands
- Beaufort Sea/ Delta

Hydroelectric

- Taltson / Snare/ Proposed Slave (NWT)
- Proposed Dunvegan (AB)
- Proposed Tazin (SK)
- W.A.C. Bennett Dam (B.C.)
- Peace Canyon Dam (B.C.)
- Proposed Site C (B.C.)

Pulp and Paper

- Peace and Athabasca
- Alberta - Pacific

Mining

- Gold / Base Metals / Coal / Uranium
- Legacy of Abandoned Mines

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The Mackenzie River Basin is shared by six jurisdictions: British Columbia, Alberta, Saskatchewan, Yukon, the Northwest Territories, and Nunavut (although Nunavut has a very small portion of the basin). Northwest Territories is the main downstream recipient as considerable volumes flow through the Northwest Territories in the Mackenzie River to the Beaufort Sea.

Industrial development in the Basin is mostly based on natural resources – oil and gas, hydroelectric development, uranium and coal mining, forestry, pulp and paper production, and agriculture. Together these activities affect our water resources through water withdrawals, pollution, and changes in natural flow.

Specific upstream concerns include oil sands development near Fort McMurray and hydroelectric power development, such as the proposed Site C dam on the Peace River in northeastern BC and the potential of a Slave River dam just south of the NWT border, and mining activities in the Yukon.



Oil sands causes concern about downstream water quality. Existing and proposed hydroelectric development brings concern about water flow changes and changes to overall ecosystems, particularly deltas such as the Peace-Athabasca and the Slave. These concerns combined with the effects of all the other activities happening in upstream watersheds are raising significant concern in the NWT. These effects are exacerbated by climate change.

Addressing Downstream Issues

Mackenzie River Basin Transboundary Waters Master Agreement

Mackenzie River Basin Board

Alberta-NWT MOU and negotiations

Goal: effective,
enforceable
transboundary
water agreements

J. Lariviere

The GNWT and INAC are signatories of the Mackenzie River Basin Transboundary Waters Master Agreement, signed in 1997, and jointly represent the NWT. Other signatories are Government of Canada (Environment Canada, INAC, and Health Canada), governments of BC, Alberta, Saskatchewan, Yukon and the NWT.

This Agreement's key principles promote maintaining ecological integrity, early and effective consultation, notification and sharing of information on developments and activities, and resolving issues cooperatively and harmoniously. These principles are intended to guide transboundary negotiations agreements.

The Master Agreement established the Mackenzie River Basin Board (or MRBB). The signatories of the Agreement are members along with Aboriginal representatives from each of these provinces and territories.

The NWT-Yukon bilateral agreement was completed in 2000. The NWT is working toward agreements with other MRB jurisdictions, such as Alberta. These bilateral agreements need to focus on ecosystem health rather than simply be focus on apportionment or water quality guidelines. These agreements must have legal standing with the teeth to be enforceable.

These bilateral agreements must also respect asserted Aboriginal rights, treaty rights, or land, resource and self-government agreements such as existing land claims agreements. The existing Gwich'in, Sahtu, and Tlicho land claims agreements state that water use cannot substantially alter the quality, quantity or rate of flow of water on or through or are adjacent to the respective regions.

In 2007, Alberta and NWT signed a memorandum of understanding to enter into transboundary water negotiations. In negotiations with Alberta, we will ensure Aboriginal interests are represented.



The federal government is a signatory to the Master Agreement as Environment Canada, INAC, and Health Canada.

INAC is the partner negotiator with GNWT to represent NWT interests at the Alberta-NWT negotiating table.

The federal government also is the primary regulator of water in the NWT. A number of departments, including INAC, DFO, and Environment Canada, have jurisdiction over water and who is responsible for what aspect is not always clear.

The federal government has various pieces of legislation (for example, *Constitution Act*, *Canada Water Act*, *Fisheries Act*, *Mackenzie Valley Resource Management Act*, and *Canadian Environmental Assessment Act*) that provide the mandate for the federal government to play an active role in resolving transboundary water issues.



The North is unique. The NWT's small population (of about 42,000 people), spread out throughout a vast area of extreme climates, rely heavily on the our natural environment for our economy and livelihoods.

Our ecosystems are intact and relatively pristine compared to Alberta and many other jurisdictions. We want to keep it that way.

Our vision for the NWT is for Northern voices making northern decisions for healthy communities in a healthy environment. The ability to make these decisions and the options for those decisions cannot be jeopardized by upstream interests.