

**Northwest Territories Water Board
Reasons for Decision**

Issued pursuant to section 26 of the
Northwest Territories Waters Act, S.C. 1992 C.39

Water Licence Number: N7L1-1834(Type B)

This is the decision of the Northwest Territories Water Board (Board) for the issuance of Water Licence N7L1-1834. The project is located at Latitude 69°12'30" North and Longitude 135°06'04" West in the Northwest Territories.

The Northwest Territories Water Board issued Licence N7L1-1834 in accordance with Section 14 of the *Northwest Territories Waters Act*.

Background:

Shell Canada Energy applied to the Board on March 5th, 2012 for a Water Licence for Farewell Camp and Stockpile Site (Camp Farewell) in the Mackenzie Delta. The Board deemed the application complete on May 23, 2011.

Canadian Environmental Assessment Act (CEAA)

The Water Licence application was exempt from the Canadian Environmental Assessment Act under Section 7(1)(a), specifically under Schedule 1, Part 1, Section 3(a) of the Exclusion List Regulations.

Environmental Impact Screening Committee (EISC)

On April 20, 2012 the Board received an official notification from the Environmental Impact Screening Committee that determined the application met the definition of development and that it was exempt from the screening process, as it qualified under exclusion #1 of Environmental Impact Screening Guidelines, Appendix C.

Notice of Application

In accordance with rule 38 of the Board Rules of Procedure, the Board gave notice of the application for a Water Licence regarding Camp Farewell, on May 28, 2012 in News North in English, May 31, 2012 in the Inuvik Drum in Inuvialuktun, and May 25, 2012 in L'Aquilon in French.

Reviewers' Comments

The Board sent the Water Licence application and supporting information for review to the following agencies: AANDC-NMDO, AANDC-WRD, EC, DFO and GNWT-ENR on May 23, 2012. The Board received written comments from AANDC (June 15, 2012), EC (June 15, 2012), DFO (May 28, 2012) and GNWT-ENR (June 14, 2012).

The Board considered all submitted comments at a Board meeting held via teleconference on July 10, 2012. The Board approved a Water Licence for the applicant's review. The Licence was submitted to the applicant on July 11, 2012 and it indicated in its response on July 16, 2012 that the Licence was acceptable.

Requirements of the Northwest Territories Waters Act:

Shell Canada Energy has provided the Board with its Schedule III application and supporting information for its consideration as required by section 16 of the *Northwest Territories Waters Act*.

The Board is in accordance with Paragraph 14(4)(a) of the *Northwest Territories Waters Act* by ensuring that the granting of the Water Licence to Shell Canada Energy will not adversely affect, in a significant way, any existing Licensee, providing the conditions of Water Licence N7L1-1834 are met. There are no other applicants with precedence.

The Board does not believe that any users nor persons listed in Paragraph 14(4)(b) of the *Northwest Territories Waters Act* will be adversely affected by the use of waters or the deposit of waste proposed by the Licensee provided that the Licensee operates in accordance with the terms and conditions of Water Licence N7L1-1834.

The Board is of the view that compliance with Water Licence N7L1-1834 terms and conditions will ensure that the waste will be treated and deposited in a manner that will maintain water quality in the area and will be consistent with applicable water quality standards in accordance with Sub-Paragraph 14(4)(c) (i) of the *Northwest Territories Waters Act*.

The Board drafted the terms and conditions of Water Licence N7L1-1834 in accordance with Section 15 of the *Northwest Territories Waters Act*.

In Accordance with Sub-Section 17(1) of the *Northwest Territories Waters Act*, the Board requested that a security deposit in the amount of two million dollars (\$2,000,000.00) be posted and shall be maintained in a form suitable to the Minister of Aboriginal Affairs and Northern Development Canada.

Decision to issue Water Licence N7L1-1834:

The Board has reviewed the Camp Farewell Project Application and draft Water Licence N7L1-1834 for issuance. Upon consideration of the facts and circumstances, the purpose, scope and intent of the *Northwest Territories Waters Act*, the Board has determined that it can issue Water Licence N7L1-1834.

For the above reasons the Board has determined to issue Water Licence N7L1-1834 in accordance with Sub-Section 14(1) and Sub-Paragraph 14(6)(b)(i) of the *Northwest Territories Waters Act* for the use of water and the deposit of wastes.

SIGNED this 18 day of July, 2012 on behalf of the Northwest Territories Water Board.



Eddie Dillon

Chairperson, Northwest Territories Water Board