



Requirements for a Notification of an Intent to file a Claim for Water Compensation

Notifications must be received by the Board no later than August 15, 2019.

1 Information about the Application or File

Water Licence application or file number(s) associated with this claim:	MV2007L8-0031
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2 Information about the Claimant

Claimant's Name (individual or group/association):	City of Yellowknife		
Group or Association legal entity:	A municipal corporation under the Cities, Towns and Villages Act of the Northwest Territories		
Mailing Address:	----		
Email:	----	Tel.:	-----

3 Information about Eligibility

Please identify the category/categories that best describe your relationship with the waters potentially affected by the subject Licence.

Subsection 72.03(5) of the MVRMA or 26(5) of the <i>Waters Act</i>		
(a)(i)(A) or (B)	Existing licensee or Applicant with precedence	X
(b)(ii)	Domestic users	X
(b)(iii)	In-stream users	
(b)(iv)	Authorized users	
(b)(v)	Authorized waste depositors	
(b)(vi)	Persons who use waters or deposit waste (without a licence) under the territorial law	

(b)(vii)	Persons referred to in paragraph 61(d) of the <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> ,	
(b)(viii)	Owners of property	
(b)(ix)	Occupiers of property	
(b)(x)	Holders of outfitting concessions, registered trapline holders, and holders of other rights of a similar nature	

Please provide information regarding the nature of your use, the duration of your use, and extent of your use of the waters in question.

In addition to the categories marked above, the City of Yellowknife is also eligible, in the alternative, as a licensee under subsection 72.03(5)(b)(i) of the MVRMA or subsection 26(5)(b)(i) of the Waters Act.

Please see attached Schedule A.

4 Information about Potential Impacts

Please provide information regarding the potential impacts resulting from the subject Licence on the use of waters described above.

Please see attached Schedule A.

Schedule A

Please provide information regarding the nature of your use, the duration of your use, and extent of your use of the waters in question.

1. The City of Yellowknife (“**City**”) provides safe drinking water for approximately half the residents of the Mackenzie Valley—including the 20,000 residents of Yellowknife plus the communities of Ndilq̄ and Dettah—pursuant to the standards set by the *National Guidelines for Canadian Drinking Water* (“**Guidelines**”), adopted under the *Water Supply System Regulations* pursuant to the *Public Health Act*.¹
2. The City holds Type A water licence MV2009L3-0007 that allows it to use up to 3,600,000 cubic metres of water per year for municipal purposes from the Yellowknife River.
3. The City requires and makes use of an uninterrupted and safe water supply at all times.
4. Prior to 1968, the City obtained its drinking water from Yellowknife Bay on Great Slave Lake. At that time, due to concerns over significant adverse effects on the municipal water supply from the Giant Mine, the City ceased withdrawing from Yellowknife Bay and switched to obtaining its water from the Yellowknife River via a submarine pipeline (“**Pipeline**”). The federal government paid for half of the cost of the Pipeline at the time, and the owners of the Giant Mine at the time paid the majority of the balance.
5. The Pipeline is at the end of its functional life. It must either be replaced, or the City must switch back to obtaining its water from Yellowknife Bay. No other feasible options exist due to the remote location and geography of Yellowknife.

Please provide information regarding the potential impacts resulting from the subject Licence on the use of waters described above.

6. The activities for which DIAND seeks authorization in its water licence application would significantly adversely affect the City’s ability to obtain water from Yellowknife Bay. In particular, the risks caused, exacerbated, or prolonged by the application include:

¹ *Water Supply System Regulations*, R-108-2009, enacted pursuant to the *Public Health Act*, SNWT 2007, c 17.

(a) a flood hazard risk resulting from a prolonged period of precipitation that could cause a failure of the Northwest Pond, leading to the discharge of, among other things, arsenic into Yellowknife Bay, rendering the water undrinkable; and

(b) further risks to be identified in the water licence process.

(each a “**Risk**” together the “**Risks**”)

7. In the alternative, the Risks continue and promulgate the adverse effects of the Giant Mine on the City’s water supply.

8. Any interruption to the City’s water supply would have significant and drastic consequences.

9. The Guidelines limit arsenic in drinking water to 10µg/L. Under the *Public Health Act*, the City has an obligation to provide water that is suitable and safe for human consumption and that meets the Guidelines.

10. The Risk discussed in paragraph 6(a) could result in concentrations of arsenic in Yellowknife Bay of 190µg/L to 4,600µg/L. DIAND’s application proposes to maintain that Risk by, among other things, continuing to store hazardous waste at, and discharge mine water into, the Northwest Pond until 2028 at the earliest. The Risk will not be eliminated until the Northwest Pond is fully dewatered and covered.

11. The Risks—caused as a direct result of the activities applied for in the Licence—could put the City in breach of its statutory obligations to provide a clean drinking water supply, and are not acceptable to impose directly on nearly half the population of the Northwest Territories. As a result, the City must replace the Pipeline.

12. The estimated cost to construct the Pipeline and mitigate the Risk caused by the activities proposed in the applicant’s licence is \$34,482,958. The City has secured funding from Infrastructure Canada for \$25.8 million, leaving a \$8,620,740 shortfall.

13. Accordingly, the City seeks compensation in these proceedings in the amount of \$8,620,740.