



Yukon-Northwest Territories Liard Basin Intentions Document

The Government of the Northwest Territories (GNWT) is negotiating with the Yukon Government to update the Yukon-Northwest Territories (NWT) Transboundary Water Management Agreement, which was signed in 2002. The intent is to modernize the existing agreement and align it with more recent transboundary agreements the NWT has with Alberta and British Columbia and the agreement Yukon has with British Columbia.

A map that shows where the area under the agreement is located can be viewed here:

https://www.enr.gov.nt.ca/sites/enr/files/resources/yt_nwt_transboundarywaters_2021update.pdf

What is an Intentions Document?

An Intentions Document and its appendices contain all the sections that are intended to be in a final bilateral water management agreement. The GNWT and Yukon Government have negotiated two separate Intentions Documents: one for the Peel/Mackenzie Delta basins and one for the Liard basin. This is based on the way water flows between the Yukon and NWT.

- A summary of the Peel/Mackenzie Delta Basins Intentions Document can be found here https://www.enr.gov.nt.ca/sites/enr/files/resources/peel_mackenzie_delta_intentions_doc_plain_lang.pdf

These documents are being used for consultation with Indigenous governments and organizations and public engagement towards developing the final Yukon-NWT Bilateral Water Management Agreements.

What's the purpose of a bilateral water management agreement?

A bilateral water management agreement is an agreement between two jurisdictions about how they will cooperate to make decisions about water that flows between them.

Bilateral agreements are important to both upstream and downstream jurisdictions because they provide a long-term framework to manage shared water resources in the Mackenzie River Basin in a sustainable manner for current and future generations. These agreements help to ensure that upstream jurisdictions do not unreasonably harm the aquatic ecosystem of downstream jurisdictions. They help ensure the waters of the NWT remain clean, abundant and productive for all time.

The agreements apply to all water resources, including rivers, deltas, lakes, wetlands and groundwater, which are shared by the parties to the specific bilateral agreement and within the Mackenzie River Basin.

Where does the Liard Basin Intentions Document apply?

In the Liard Basin, Yukon and the NWT share an area of less than 50 square kilometres. In this area, waters flow from Yukon into the NWT through four unnamed streams. A map that shows where the area is located can be viewed here: https://www.enr.gov.nt.ca/sites/enr/files/resources/nwt-yt_liardsub-basins_2021update_2.pdf

What's in a bilateral water management agreement?

Bilateral water management agreements commit the jurisdictions to consult, notify and share information on developments that might affect the aquatic ecosystem in other jurisdictions. They establish an agreed-upon set of conditions about surface water and groundwater quality and quantity, aquatic life and monitoring that will demonstrate how the interests of the jurisdictions are being achieved. They also address climate change impacts to water through research, ongoing monitoring, and using an adaptive management approach to be responsive to new information and changing conditions.

Once the Liard Basin bilateral agreement is signed, a Bilateral Management Committee will be established to implement and report on the achievements of the agreement. Each Bilateral Management Committee has at least one senior water manager from each party and, for the NWT, one Indigenous government representative.

Ongoing monitoring activities, setting transboundary objectives, sharing information, prior notification and consultation, emergency response procedures, dispute resolution, and review and amendment-commitments are all ways of making decisions that ensure the parties meet the commitments of the bilateral agreements.

Each party to the bilateral agreements continues to make its own decisions about water and land use within its jurisdiction, but will make sure those decisions meet the commitments in the bilateral agreements. The parties agree to cooperate in good faith and take all reasonable actions to achieve the commitments in the agreements. The parties agree they will work together in a way that is proactive, timely, transparent and respectful of each party's applicable laws.

The full Liard Basin Intentions Document can be read here:

https://www.enr.gov.nt.ca/sites/enr/files/resources/attachment_a_liard-yt-nwt_intentions_doc_july_2020.pdf