



Agency Report to the Mackenzie River Basin Board

Meeting 66 of the
Mackenzie River Basin Board

November 25-26, 2020

Government of
Northwest Territories

Table of Contents

1. Bilateral Water Management Agreements	5
2. Water-Related Legislation / Policy / Regulations / Planning.....	6
3. Science, Monitoring and Information.....	14
4. Major Projects	17
5. Events, Conferences and Seminars.....	18

1. Bilateral Water Management Agreements

British Columbia/Northwest Territories: British Columbia (BC) and the Northwest Territories (NWT) signed a Bilateral Water Management Agreement (BWMA) in October 2015. The BC-NWT BWMA applies to all transboundary waters shared by the NWT and BC in the Mackenzie River Basin, including the Liard and Petitot River Watersheds. In November 2018, BC and NWT released an Implementation Highlights Report that outlines implementation activities undertaken from 2015-2018. A Bilateral Management Committee (BMC) was established to administer the agreement. The first BMC meeting took place in April 2019 and a second BMC meeting was held on June 2, 2020.

Alberta/Northwest Territories: Alberta (AB) and the NWT signed a BWMA in March 2015. The AB-NWT BWMA applies to all transboundary waters shared by the NWT and AB in the Mackenzie River Basin including the Hay and Slave River Watersheds. The Parties have established a BMC to administer the agreement as well as a technical committee to support the agreement. Three annual reports have been released to date. The latest annual report for 2017-18 was released in September 2020 and is available [online](#).

Yukon/Northwest Territories: Yukon (YT) and the NWT signed a BWMA in 2002. This BWMA applies to the Peel River Watershed. Planning related to the management of transboundary water resources continued through the implementation of the NWT Water Stewardship Strategy and the Yukon Water Strategy. YT and NWT have been updating the current agreement to bring it in line with the recently signed BWMA's. Two distinct Yukon-NWT intentions documents and appendices – one for the Peel/Mackenzie Delta Basins and one for the Liard Basin – are ready for consultation which is anticipated to begin in December 2020.

Saskatchewan/Northwest Territories: Saskatchewan (SK) and the NWT have shared information and discussed respective interests for each component of the BWMA. The SK-NWT BWMA will apply to all transboundary waters shared by SK and the NWT in the Mackenzie River Basin. A meeting to advance on the negotiation of a SK-NWT BWMA took place in early November 2020 and a follow-up call is planned for December 2020.

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2. Water-Related Legislation / Policy / Regulations / Planning

NWT Water Stewardship Strategy

Beginning in 2008, the Government of the Northwest Territories (GNWT) and Crown Indigenous Relations and Northern Affairs Canada (CIRNAC) (formally Indigenous and Northern Affairs Canada) worked with representatives from Indigenous governments, NWT communities, regulatory boards, environmental organizations, industry, academic institutions and the general public to develop a water strategy for the NWT. *Northern Voices, Northern Waters: NWT Water Stewardship Strategy* (the Water Strategy) was released in May 2010, and updated in January 2018 to reflect changes in organizational responsibilities and policies. Implementation of the Water Strategy is guided by five-year Action Plans. The 2011-2015 Action Plan was released in May 2011, followed by the current 2016-2020 Action Plan in June 2016. The process to develop the next Action Plan (2021-2025) has been initiated.

These Action Plans ensure the vision of the Water Strategy, '*the waters of the NWT will remain clean, abundant and productive for all time*', is in fact realized. Action areas, called Keys to Success, have associated action items, performance indicators, deliverable dates, and associated lead and supporting water partners.

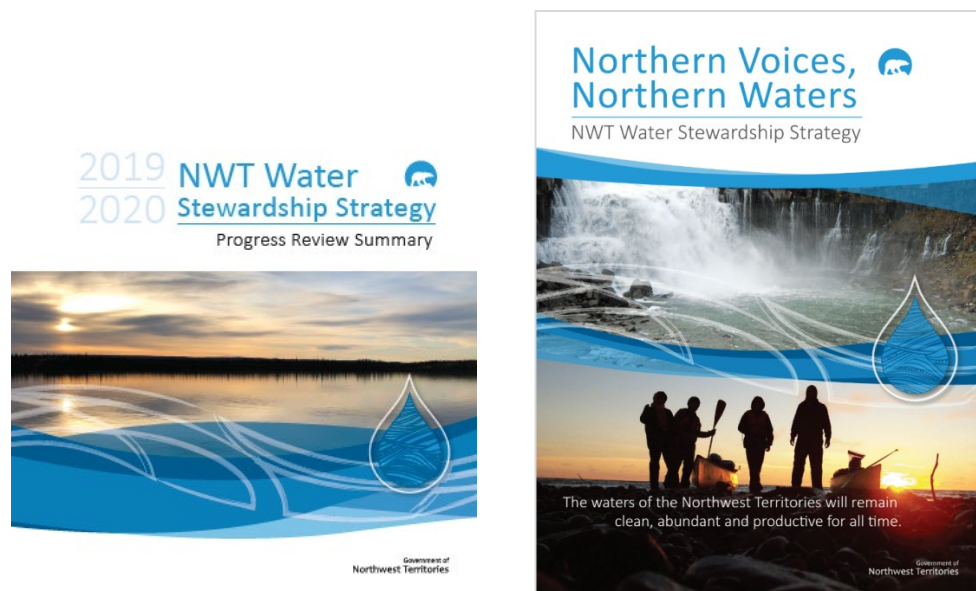
Key priority areas identified in the 2016-20 Action Plan include:

- Collaboration and coordination among water partners
- Capacity building, leadership training and education
- Transboundary water agreement negotiation and implementation
- Increased understanding of aquatic ecosystem health
- Community-based monitoring
- Support for municipal water licence compliance
- Expert knowledge and advice on industrial development

The Water Strategy is coordinated by the Department of Environment and Natural Resources Department (ENR) of the GNWT, but it is based on collective implementation activities by all water partners, including Indigenous governments and organizations, non-governmental organizations, federal and territorial government departments, community organizations, regulatory boards and academic institutions.

Indigenous governments guide implementation of the Water Strategy through an Aboriginal Steering Committee (ASC). The ASC was formed in 2009 to guide the development of the Water Strategy. The ASC ensures that implementation activities reflect the needs and values of Indigenous governments and people.

Annual progress reviews of the Water Strategy and Action Plan are conducted and allow for actions to be adjusted as necessary. The [final progress review](#) associated with the current Action Plan (2016-2020) was released in October 2020. Independent evaluations of the Water Strategy are also undertaken every five years to determine progress and address challenges by outlining recommendations for subsequent Action Plans. An independent evaluation of the 2016-2020 Action Plan was completed in September 2020 and will inform the development of the five-year Action Plan for 2021-2025.



For more information visit: www.nwtwaterstewardship.ca

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NWT Waters Act

In April 2014, the federal *NWT Waters Act* was devolved to the NWT along with its regulations, to become the territorial *Waters Act* and Waters Regulations. Since that time, the GNWT initiated a process to amend and modernize the Act. This process is ongoing and requires substantial engagement and collaboration with Indigenous governments and organizations, the federal government, non-government organizations, communities and industry. This work is anticipated to continue during the life of the 19th legislative assembly.

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GNWT Drinking Water Action Plan

Managing Drinking Water Quality in the Northwest Territories (May 2005) outlines a safe drinking water framework and strategy for the NWT that includes keeping NWT water clean. The current focus is on supporting communities in community-based monitoring, source water protection planning, water treatment plant infrastructure management (planning, design, construction, and operations), operator certification, meeting regulatory requirements, and monitoring water quality.

Increasing public awareness and making drinking water quality data available through a drinking water quality database have been key activities. The public can access information about drinking water in the NWT at the website: www.nwt drinkingwater.ca. This website describes the mandates and responsibilities of GNWT departments and outlines the steps involved in ensuring drinking water remains safe. It provides information about water treatment measures, monitoring and testing, source water protection and other important aspects of drinking water in the NWT. Community source water [catchment maps](#) are also available.

The GNWT, represented by the Interdepartmental Drinking Water and Waste Committee, regularly releases [reports on drinking water](#) for NWT communities. Full reports are released every two years and summary reports are released every other year. These reports are available on the [NWT drinking water website](#).

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Conservation Planning in the NWT

The GNWT's plan to advance conservation network planning in the NWT is described in [Healthy Land, Healthy People: GNWT Priorities for Advancement of Conservation Network Planning 2016-2021](#). The document outlines key tasks the GNWT will undertake to pursue a comprehensive and collaborative approach to conservation network planning. Conservation network planning includes the establishment and management of a conservation network of protected areas and conservation areas. It also involves the consideration of ecological representation, ecosystem patterns and processes, and landscape connectivity.



One priority outcome is to conclude planning and decision-making processes for the establishment of eight candidate protected areas.

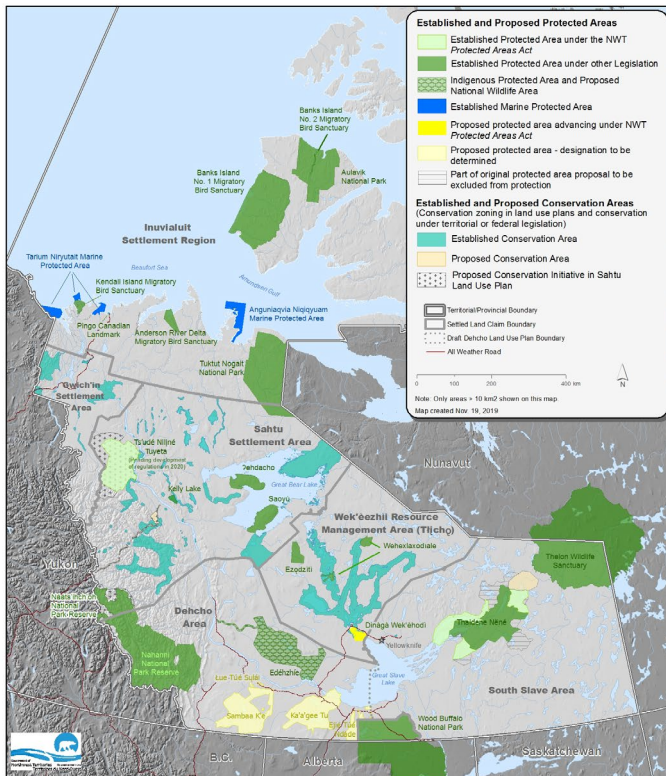
Under the *Protected Areas Act*, the GNWT established Thaidene Nëné (East Arm of Great Slave Lake) and is in the process of establishing the operational management board that will be responsible for completing a draft management plan. The GNWT also concluded negotiations for establishment agreements with K’asho Got’ineᖅ for Ts’udé Nilᖃné Tuyeta (Ramparts Wetlands and River), with regulations to establish the area anticipated in early 2021. The management board for Ts’udé Nilᖃné Tuyeta had its first meeting in September 2020 and will develop a draft management plan within five years. The GNWT is also in the process of negotiating an establishment agreement for a third area, Dīnàgà Wek’èhodì (on the North Arm of Great Slave Lake). Completion of the establishment agreement is anticipated in 2021. A fourth candidate area, Edézhzhíe, has been established as an Indigenous Protected Area and will be established as a National Wildlife Area in 2021.

Work has begun to develop the next Healthy Land, Healthy People for 2021-2026.



The [Northwest Territories State of the Conservation Network 2016](#), a status report on the health of the NWT conservation network, was released in August 2016. The *Protected Areas Act* requires a report to be released at minimum every five years. Planning is underway for the next report, which is anticipated to be released in 2021.

Established and Proposed Conservation Network in the Northwest Territories



For the most current information on conservation network planning visit the ENR [Conservation Network Planning](#) page or email ConservationPlanning@gov.nt.ca.

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Regional Land-Use Planning

[Northern Lands, Northern Leadership: The GNWT Land Use and Sustainability Framework](#)

outlines the GNWT's vision and guiding principles for land management in the NWT. Released in early 2014, it identifies regional land-use planning as the primary instrument to define where certain activities can take place and affirms the importance of incorporating community and regional aspirations into land-use plans.

Land-use plans provide local input into the overall framework for resource management in the NWT. Land-use plans are used to establish regional zones and broad criteria that help evaluate and screen project proposals as part of regulatory permitting processes. Zoning provisions identify the following:

- areas that are well-suited for industrial development
- areas that can support industrial development while respecting specific cultural or ecological values
- areas where, for cultural or ecological reasons, development is prohibited

The GNWT participates in land-use planning initiatives throughout the territory as a planning partner, regulator and, in some cases, approver. In addition, the GNWT may also participate in transboundary planning initiatives in Alberta, Nunavut and the Yukon. The GNWT's participation in land-use planning processes is guided by a suite of land interests. One of those interests is maintaining water quality, quantity and flow in a sustainable manner to support the health and well-being of NWT residents, land and animals.

Land-Use Plans and Water Management

Legally binding land-use plans are in place in the Sahtú and Gwich'in land claim regions and on Tłı̨chǫ private lands in the Tłı̨chǫ region. The GNWT is also working collaboratively with Indigenous governments and organizations and the Government of Canada to advance land-use planning in unplanned areas of the NWT, including public lands in Wek'èezhìi and the southeastern part of the NWT. The Dehcho Land Use Planning Committee is working to finalize the Draft Interim Dehcho Land Use Plan. In the Inuvialuit Settlement Region, Community Conservation Plans (non-legally binding) guide acceptable activities within specific regions. Collectively, the guidance and/or legally binding direction in land-use plans play an integral role in managing waters in the NWT.

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Climate Change

The GNWT is actively involved in national and territorial climate change work.

Pan-Canadian Framework on Clean Growth and Climate Change

The 21st Conference of the Parties (COP 21), held in December 2015, resulted in the adoption of a new international agreement on climate change referred to as the Paris Agreement. A key

long-term goal of the Paris Agreement is to limit the increase in global average temperatures below 2°C (above pre-industrial levels), with an aspirational aim to limit the increase to 1.5°C.

The Pan-Canadian Framework on Clean Growth and Climate Change was released in 2016 and is Canada's response to implementing the Paris Agreement by meeting emissions reductions targets, growing the economy, and building resilience to a changing climate. The GNWT participated in the development of the Pan-Canadian Framework, which was signed by 11 of 13 provinces and territories during a First Ministers of Canada meeting on December 9, 2016. Manitoba signed on in 2018 and Saskatchewan has not signed.

Reporting on the progress made to implement the Pan-Canadian Framework is released annually by the Government of Canada. Annual progress reports have been released for 2017, 2018 and 2019.

Mandate of the GNWT

The *Mandate of the GNWT (2019-2023)* guides the GNWT's actions to advance the priorities of the 19th Legislative Assembly. Two mandate items indicate how important climate change action is to the GNWT. These include:

1. **Strengthen the government's leadership and authority on climate change.** This priority includes the establishment of an NWT Climate Change Council, which is currently underway. The Council will provide a forum for information sharing, collaboration and engagement between senior, non-elected Indigenous governments and organizations' staff, NWT communities, and representatives from the GNWT..
2. **Ensure climate change impacts are specifically considered when making government decisions.**

2030 NWT Climate Change Strategic Framework

The GNWT released the *2030 NWT Climate Change Strategic Framework* (the Strategic Framework) on May 1, 2018. The Strategic Framework provides a roadmap for how the NWT will address climate change in the short and long term.

The Strategic Framework was informed by valuable input from Indigenous governments and organizations, community governments, territorial and federal departments, co-management boards, non-government organizations, academic institutions, industry, and the general public. This input was provided through a series of regional workshops, an online survey, individual stakeholder meetings, and a public review process.

The GNWT released the 2019-2023 NWT Climate Change Action Plan (Action Plan) on April 3, 2019, as the first of two five-year action plans to guide the implementation of the Strategic

Framework. The Action Plan was developed with input from GNWT departments, federal government departments, Indigenous governments and organizations, non-governmental organizations, co-management boards, industry and other partners, including the NWT Association of Communities.

The Strategic Framework and Action Plan work towards achieving the following goals and cross-cutting themes:

- Goal #1 – Transition to a strong, healthy economy that uses less fossil fuel, thereby reducing greenhouse gas emissions by 30% below 2005 levels, by the year 2030
- Goal #2 – Improve knowledge of the climate change impacts occurring in the NWT
- Goal #3 – Build resilience and adapt to a changing climate
- Cross-cutting – Leadership, communication and capacity-building
- Cross-cutting – Economic impacts and opportunities

Implementation of the Action Plan is underway with the first annual report anticipated to be released in December 2020. A number of the activities being undertaken by GNWT and partners are directly or indirectly related to water in the Mackenzie River Basin. For example, water and wetlands are included as action areas in the Action Plan and the following climate change initiatives are currently under development:

- **Northern Climate Services Hub** – The GNWT is working with the governments of Yukon and Nunavut and Environment and Climate Change Canada on a proposal for a new organization that will provide climate information across all three territories. The concept is similar to the Pacific Climate Impacts Consortium (PCIC), which provides climate information for British Columbia, and ClimateWest, the new Prairie climate services network.
- **Temperature and precipitation mapping** (also known as PRISM - Parameter-elevation Regressions on Independent Slopes Model) – The GNWT is working with University of Victoria (Pacific Climate Impacts Consortium) to assemble all historical climate data in the NWT and Yukon, including GNWT, Environment and Climate Change Canada, industry and academic data. This will complement a data set for British Columbia, and Alaska. Once climate data is compiled, data and maps (at a 1 km resolution) will be publicly available as GIS layers to support decision making. From the maps of temperature and precipitation, high resolution climate projections can be developed.
- The GNWT is developing a plan for disseminating climate change information and data through an online resource (portal).

For further information please visit: www.enr.gov.nt.ca/en/services/climate-change

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3. Science, Monitoring and Information

NWT Cumulative Impact Monitoring Program

The Northwest Territories Cumulative Impact Monitoring Program (NWT CIMP) is an environmental monitoring and research program within the GNWT Department of Environment and Natural Resources. NWT CIMP uses science, traditional and local knowledge to understand cumulative impacts and environmental trends. Program activities are designed to meet the information needs of northern decision-makers and contribute to wise resource management decisions. The program is based in land claim agreements and the *Mackenzie Valley Resource Management Act* (MVRMA).

Projects are underway in all regions of the NWT and support community participation in all aspects of monitoring. NWT CIMP currently focuses on cumulative impacts related to three valued components that are of critical importance to the people of the NWT: caribou, water and fish. The program is guided by the NWT CIMP Steering Committee, which is a partnership among NWT Indigenous governments, federal and territorial governments, and co-management boards. Program information, including annual reports and project summaries, are available at www.nwtcimp.ca.

NWT CIMP also facilitates the NWT Environmental Audit, which is a requirement of land claim agreements and the MVRMA. The Audit is conducted every five years, by an independent auditor, and looks at how well the NWT regulatory system is working. If the Audit finds something that is not working as well as it could, it can recommend action to make things better. Previous Audits were conducted in 2005, 2010 and 2015. The 2020 NWT Environmental Audit technical and plain language reports were released in November 2020. More information is available at www.enr.gov.nt.ca/en/services/nwt-environmental-audit.

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Environmental Monitoring on Transboundary Rivers

Water and Suspended Sediment Quality

Water and suspended sediment quality samples have been collected from the major NWT transboundary rivers for up to thirty years: Slave (1990), Hay (1994), Liard (1992) and Peel (2002). Since 2011, up to three water and suspended sediment samples have been collected from each river every year. Samples are analyzed for physical parameters, major ions, nutrients, metals, hydrocarbons, organochlorines, chlorinated phenols, and dioxins and furans.

The data generated from this program are used to: 1) provide a general overview of the current state of water and suspended sediment quality; 2) determine if water quality has changed over time; 3) help to address community concerns about metals and organic compounds in the rivers; and 4) support the development of site-specific water quality triggers and objectives for established and future bilateral water management agreements.

Technical and plain language summary reports are available for the Slave, Hay and Peel rivers. [State of Aquatic Knowledge Reports](#) for the Liard/Petitot and Hay River Basins have also been completed in collaboration with BC and AB, respectively.

2020 was an unusual year with record-high water levels, flooding at Fort McMurray (Alberta) in May, and reduced water quality monitoring beginning in March due to COVID-19.

In the Slave and Hay Rivers, high water levels resulted in elevated levels of suspended sediment which led to high levels of total metals and hydrocarbons. In both rivers, the levels of many total metals were high; however, the levels of most dissolved metals were within their historical range. Levels of hydrocarbons in water and suspended sediment were also higher than has been observed in the past, but all hydrocarbons in water were below the CCME aquatic life guidelines. Levels of hydrocarbons in suspended sediment were lower than what is considered toxic to aquatic invertebrates.

There were also no detectable impacts to water quality in the Slave River at Fort Smith due to the flooding in the Athabasca River at Fort McMurray in May.

Water quality monitoring conducted by the Alberta government resumed in June. ECCC resumed water quality monitoring in October. NWT water quality monitoring continued as normal in 2020 with only slight delays at the beginning of the season due to COVID-19.

Water Quantity

The Department of Environment and Natural Resources collaborates with Environment and Climate Change Canada (ECCC) in a cost-shared hydrometric monitoring program administered by ECCC's Water Survey of Canada (WSC). Water quantity information is collected by WSC at over 100 stations across the NWT. There are six major transboundary rivers with hydrometric gauging stations: Liard, Slave, Hay, Petitot, Tazin and Peel. WSC

provides flow and level data which are jointly analyzed by GNWT staff and their cross-jurisdictional counterparts.

Water levels on lakes and rivers across the NWT were extremely high in the summer of 2020. The water levels on Great Slave Lake were the highest on record for the entire summer. This was caused by very high precipitation amounts in northern BC, AB and SK, as well as locally around Great Slave Lake. GNWT scientists are working collaboratively with scientists from ECC, AB, BC and BC Hydro, as well as academic institutions to better understand and explain the high-water levels on Great Slave Lake. This work includes determining the various contributing factors this summer and fall, as well as the potential for the duration of high water over the winter season and into next spring.

Groundwater

The GNWT, in collaboration with the University of Guelph and the University of Calgary, is conducting a baseline groundwater quality investigation in the NWT portion of the Liard Basin. The objectives of this groundwater monitoring project are to: 1) determine the quantity and quality of groundwater; 2) characterize the groundwater flow system and interaction with nearby surface water bodies; 3) define the sequence of hydrogeologic units; and 4) evaluate the vulnerability of the local and basin-scale aquifers. The first drilling campaign took place August 2-25, 2019. Drilling occurred at two locations at a depth of 35 and 51.5 metres, and downhole geophysics and coring activities took place. A second field campaign is planned for spring 2021, where up to six boreholes in total will be drilled at up to three sites, with a targeted depth of 110 to 149 metres. The combination of core and downhole geophysical data will be used to install either multi-level systems or downhole tools to allow continued groundwater monitoring in these wells.

Biology

To fulfill the commitments of the AB-NWT BWMA, a benthic macroinvertebrates monitoring program was initiated in 2017 in the Slave and Hay rivers near the NWT-AB border. The objective of the monitoring program is to determine current conditions and establish a baseline that can be used to track the status of those organisms over time. On each of the two transboundary rivers (Slave and Hay rivers), between 30 to 35 kick samples were collected each year at six different locations.

The NWT and AB governments have also been working with community members in Fort Smith and Fort Resolution and researchers from Wilfrid Laurier University and the University of Saskatchewan to pilot a fish monitoring program for the Slave River. The objective of the program is to track fish health and tissue contaminant levels over time and to provide an early warning of change in the aquatic environment. In September 2019, large- and small-bodied

fish were collected in the Slave River near Fort Smith and Fort Resolution and, in October 2020, additional small-bodied fish were collected near Fort Fitzgerald. Fish were sampled for health indicators (e.g. length, weight and organ sizes) and contaminants (2019 fish only). Samples are currently being analyzed at the University of Saskatchewan. On the Hay River, a pilot program took place in September 2020 near the NWT-AB border to collect basic information on large and small-bodied fish species presence and relative abundance to inform future engagement meetings.

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Guideline for Baseline Development

The collection of water quality data and the development of water quality monitoring programs are an important part of the regulatory regime in the NWT. Baseline monitoring is necessary to provide the data and information needed to assess water quality and make informed decisions regarding the current and future uses of aquatic ecosystems. To characterize and manage water resources across the NWT, reliable and consistent baseline and monitoring information is necessary.

ENR, in collaboration with the Land and Water Boards of the Mackenzie Valley and the Mackenzie Valley Environmental Impact Review Board (MVEIRB), has initiated the development of this guidance document to provide direction regarding the development and implementation of baseline water quality monitoring programs and to foster improved data collection and overall knowledge about water quality in the NWT. These guidelines are anticipated to be released in 2021.

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4. Major Projects

Water Boards

Regional land and water boards were created in the NWT pursuant to lands, resources, self-government agreements and federal legislation (i.e. *Mackenzie Valley Resource Management Act*). The territorial *Waters Act* directs the activities of these Boards. Various departments of

the GNWT and Canada review and provide comment on applications for water licences which are submitted to the following Boards:

- Mackenzie Valley Land and Water Board (NWT unsettled areas)
- Sahtú Land and Water Board (Sahtu Settlement Area)
- Gwich'in Land and Water Board (Gwich'in Settlement Area)
- Wek'èezhìi Land and Water Board (Wek'èezhìi)
- Inuvialuit Water Board (Inuvialuit Settlement Region)

The Mackenzie Valley Land and Water Board posts all applications for land-use permits and water licences on its website (www.mvlwb.com). The site also tracks applications for the Wek'èezhìi Land and Water Board, the Sahtú Land and Water Board, and the Gwich'in Land and Water Board. The Inuvialuit Water Board posts applications for water licences on its website (www.inuvwb.ca).

Environmental Assessments

The location of a proposed development determines which authority is responsible for conducting an environmental assessment in the NWT. In the Mackenzie Valley region, the Mackenzie Valley Environmental Impact Review Board (MVEIRB) carries out environmental assessments under the *Mackenzie Valley Resource Management Act*. In the Inuvialuit Settlement Region, the Environmental Impact Review Board (EIRB) carries out environmental assessments under the Inuvialuit Final Agreement, and, in some cases, federal entities will carry out environmental assessments under *Impact Assessment Act* (which replaced the *Canadian Environmental Assessment Act* in 2019).

Both the MVEIRB and EIRB have searchable public registries for information related to the environmental assessment of projects. Databases are found at the following addresses, respectively: www.reviewboard.ca and www.eirb.ca.

In February 2016, the AB government issued a Final Terms of Reference for the Amisk Hydroelectric Dam. Located in northwestern AB, the proposed Amisk Dam would be constructed on the Peace River. The assessment of potential transboundary effects on the Slave River have been scoped into the environmental assessment. The GNWT is monitoring the progress of this environmental assessment and will participate as required. As of November 2020, the project has not passed the Environmental Impact Assessment submission stage of the Alberta Environment and Parks and the Impact Assessment Agency process.

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5. Events, Conferences and Seminars

The most recent annual Water Strategy implementation workshop was held on October 22-23, 2019, in Dettah, NWT. The GNWT is planning its next workshop to be held virtually in winter 2021. The annual Water Strategy workshops bring together water partners to share recent implementation work and discuss how we can continue to work together towards the vision of the NWT Water Strategy. The upcoming workshop will focus on the development of the next Action Plan (2021-25).