



The Northwest Territories and Alberta Sign a Mackenzie River Basin Bilateral Water Management Agreement

By [John Donihee](#), Of Counsel, [Julie Abouchar](#), Partner and Certified Environmental Law Specialist; [Charles Birchall](#), Partner. The authors wish to thank Mark Youden, Student-at-Law, for his contributions to this article. © Willms & Shier Environmental Lawyers LLP.

April 1, 2015

On March 18, 2015, the Government of the Northwest Territories and the Government of Alberta signed a Mackenzie River Basin Bilateral Water Management Agreement (“NWT/Alberta Water Agreement”). The NWT/Alberta Water Agreement commits both governments to cooperatively manage water resources in the Mackenzie River Basin, one of the longest and largest river systems in Canada.

The NWT/Alberta Water Agreement is the second bilateral water management agreement completed by the NWT under the 1997 [Mackenzie River Basin Transboundary Waters Master Agreement](#) (“Master Agreement”). The first bilateral water management agreement, the [Yukon-Northwest Territories Transboundary Water Management Agreement](#) was concluded in 2002. British Columbia and Saskatchewan are also parties to the Master Agreement but have yet to complete bilateral water management agreements with the Northwest Territories. There will be a total of seven bilateral water management agreements once all are negotiated and signed.

Under the NWT/Alberta Bilateral Agreement, the Northwest Territories and Alberta agree to establish and implement a framework to achieve the principles of the Master Agreement. Under the Master Agreement, each party has the right to use the shared water resources of the Mackenzie River Basin within its jurisdiction provided such use does not unreasonably harm the aquatic ecosystem in any other jurisdiction. The Master Agreement requires the parties to manage water resources in a sustainable manner for present and future generations and to resolve issues cooperatively and harmoniously.

The NWT/Alberta Water Agreement provides for an adaptive management approach to water management based on scientific monitoring. The NWT/Alberta Water Agreement will result in improved monitoring and reporting of upstream effects from development. The NWT/Alberta Water Agreement also establishes ecosystem objectives that address water consumption, quality, quantity and flow. The technical details related to objective setting, monitoring and management actions are found in the [Appendices of the NWT/Alberta Water Agreement](#). This bilateral Agreement is an important step forward in Mackenzie River Basin management.

[John Donihee](#), B.Sc., M.E.S., LL.B., LL.M., is one of Canada’s foremost experts in environmental, regulatory, administrative and Aboriginal law in Canada’s North and a member of Willms & Shier’s Northern Team. John’s particular focus is on land claims implementation and modern treaties in the North. He can be reached at 613-217-8521 or by e-mail at jdonihee@willmsshier.com.

Julie Abouchar, BSc., LL.B., LL.M., is a partner at Willms & Shier Environmental Lawyers LLP in Toronto and a member of the firm's Northern Team. Julie is certified as a Specialist in Environmental Law by The Law Society of Upper Canada. She has been named annually by her peers to Best Lawyers in Canada, Environmental Law and Energy Regulatory Law and rated Repeatedly Recommended in the Canadian Legal Expert Directory, Aboriginal Law and Environmental Law. She can be reached at 416-862-4836 or by e-mail at jabouchar@willmsshier.com.

Charles (Chuck) J. Birchall, B.A. (Hons.), LL.B., LL.M., is a partner at Willms & Shier Environmental Lawyers LLP in Ottawa and a member of the firm's Northern Team. Chuck has over 25 years of legal experience devoted exclusively to environmental law. Chuck provides advice on environmental assessment and compliance, energy law and Aboriginal consultation and economic development. Chuck has particular experience advising on environmental assessment issues raised by mining, oil and gas, energy and infrastructure projects. He can be reached at 613-761-2424 or by e-mail at cbirchall@willmsshier.com.

The information and comments herein are for the general information of the reader only and do not constitute legal advice or opinion. The reader should seek specific legal advice for particular applications of the law to specific situations.