



**WATER LICENSING
IN THE
INUVIALUIT SETTLEMENT REGION
NORTHWEST TERRITORIES**

**Summary of Procedures and
Information Requirements**

Revised July 2014

INTRODUCTION

The purpose of this document is to:

- ✓ Help in determining the activities that require a water licence;
- ✓ Identify the information that should accompany an application for a water licence; and
- ✓ Outline the water licensing process.

BACKGROUND AND JURISDICTION

The *Waters Act* (WA) and the Waters Regulations (WR) govern the direct or indirect use of inland waters, disposal of waste and physical alterations to inland water bodies, within that portion of the Inuvialuit Settlement Region (ISR) that is within the Northwest Territories. The WA authorizes the Inuvialuit Water Board (IWB or Board) - consisting of 5 members appointed by the Minister of Environment and Natural Resources (ENR), Government of the Northwest Territories (GNWT) - to consider applications and issue licences as required for these activities. The Board has its main office in Inuvik.

APPLICATION OF WA

Under the WA the following users are exempt from having to obtain a water licence:

- Domestic water users;
- Instream water users (i.e. boating, fishing, swimming);
- Use of water for firefighting purposes; and
- The alteration of water bodies for emergency flood control purposes

Schedules D - H annexed to the WR establish three levels of activities with regard to Water Licence permitting:

- Those permitted without a water licence;
- Those requiring a Type B Water Licence; and
- Those requiring a Type A Water Licence.

These Schedules identify the thresholds that determine which licence type will be required. Generally, Type A Licences are for large undertakings and Type B Licences are for smaller projects.

The IWB issues water licences that contain conditions relating to various elements of the licensed undertaking, such as:

- Authorizing the amount of water to be used;
- Provision of security deposits;
- Construction and modifications;
- Operation and maintenance;
- Waste disposal;

- Spill contingency planning;
- Water quality and quantity measurements;
- Effluent standards and studies;
- Abandonment and restoration; and
- Other relevant conditions as determined by the Board

It is also important to note that the activities of the IWB are bound in the ISR by the *Inuvialuit Final Agreement – environmental assessment screening and review process*. Prior to the Board issuing a water licence, the proposed project must be assessed by the Environmental Impact Screening Committee for environmental and socio-economic impacts. From this assessment a decision will be made as to whether or not the project may proceed through the licensing process.

Copies of the WA and WR are available at the IWB offices.

UNDERTAKINGS THAT MAY REQUIRE A LICENCE

The following is a general guide to help you decide if your undertaking requires a water licence. If you answer **YES** to **ANY** of these questions your undertaking will likely require a water licence.

Direct Use of Water

1. Is this a **municipality or camp** use of water that exceeds a volume of 50m³ (11,000 gallons) per day?
2. Is this a **power generating** facility that will use water for electrical generation (hydro or geothermal)?
3. Is this a **mine or mill** that will use water for:
 - a. **Milling?**
 - b. **Leaching?**
 - c. **Other uses** at a volume greater than 100m³ (22,000 gallons) per day?

Note that disposal of minewater constitutes a use or a waste depending on the circumstances. In either case a licence may be required

4. Is there **any other use** of water **greater than 100m³** per day?

Instream Water Activities Within a Watercourse

5. Are **permanent instream flood control structures** part of the undertaking?
6. Does the undertaking include the **diversion of a watercourse** that is greater than two (2) metres wide at the ordinary high water mark at the point of diversion?
7. Does the undertaking include **alteration** of the flow, or **storage**, or water **by means of dams or dykes?**

8. Will there be a **watercourse crossing** (e.g. pipeline, bridge or road) where a watercourse is greater than five metres wide at the ordinary high water mark at the point of crossing?

Deposit of Waste

9. Does the undertaking involve **placer mining or gravel washing**?
10. Will there be any direct or indirect **deposit of waste (including mine water) to surface waters** from **mining or ore milling**?
11. Will there be any deposit of **municipal waste** from a sewage collection or treatment system serving **more than 50 people**?
12. Will there be any deposit of **waste from a camp or lodge** with a **capacity** for more than **50 people per day**, or any direct or indirect deposit of **waste to surface waters**?
13. Will there be any deposit of waste in conjunction with **oil and gas exploration or oil and gas production, refining or processing**?
14. Will there be any deposit of waste in conjunction with **hydrostatic testing and/or cleaning of used storage tanks and/or pipelines**?
15. Will there be any deposit of **cooling water** that **contains biocides or conditioners**?
16. Will there be any **direct or indirect deposit of waste** to surface waters from **any other industrial undertaking**?

Effects on Existing Users and the Environment

17. Will this undertaking interfere with **existing rights** of other **water users or waste depositors**?
18. Will this undertaking have a **potential** for significant adverse **environmental effects**?

Watercourse Training

Watercourse training includes channel and bank alterations, placement or removal of culverts, spurs, erosion control, dredging and artificial accretion. A water licence is required if the answer to any of the questions posed in item 19 (below) is “yes”.

19. Is the watercourse **continuous** (i.e. water in it year round)?

...and does it satisfy one or more of the criteria below:

- a. Is the watercourse **greater than 5 metres wide** at the ordinary high water mark?
- b. Does the undertaking involve **drilling or infilling** of a water course that has no inflow or outflow and a surface area **greater than 0.5 hectares** as measured during open water?
- c. Does the undertaking involve **removal (dredging) of greater than 100m³** of material?
- d. Does the undertaking involve **infilling of greater than 100m³ of material into a watercourse** (i.e. for boat docks or wharfs)?
- e. Is the **cross-sectional area of the watercourse significantly changed** at the point of removal or placement of material?

INFORMATION THAT SHOULD ACCOMPANY AN APPLICATION FOR A WATER LICENCE

The WA and WR requires that certain information and fees be provided in support of a water licence application. An application should include the following items:

- A WR **Schedule C** application form (one is included in this package);
- A thirty-dollar (\$30.00) application fee (made payable to the GNWT - refer to section 6 of the WR;
 - GNWT and municipal applicants are not required to submit an application fee; A deposit equal to the first year's water use fee (refer to section 8 of the WR - GNWT and municipal applicants are not required to submit water use fees as per the **Waters Act** section 3; and
 - Federal governments are exempt from fees for as per the **Devolution Agreement**, section 3.29.
- A description of potential environmental concerns related to the project, an inventory of biological/ resources that the project may impact (i.e. wildlife, wildlife habitat, recreation areas), an identification of all potential environmental impacts (including cumulative impacts), the effects of accidents or malfunctions, an explanation of any past, proposed or on-going baseline studies, and proposed mitigation, reclamation, restoration or abandonment plans;
- Environmental Management Plans should accompany the application (Spill Contingency Plan, Waste Management Plans, Aquatic Effects and Wildlife Management Plans, etc); and
- A description of socio-economic issues closely related to the undertaking, including business and employment opportunities in the north, potential concerns regarding human health, effects on traditional land uses, public consultation and consultations with impacted parties, possible compensation agreements, data gathering methodologies and confirmation of completion of environmental screening and/or review.

To assist the applicant in providing the appropriate information with their application the IWB has outlines of information requirements for **mining, oil and gas exploration and development and municipal** undertakings. Outlines of the information that should accompany an application for **watercourse training** and **power undertakings**, are also available.

Completed application packages should be mailed or delivered to:

**Inuvialuit Water Board
151 Mackenzie Rd
Mack Travel Building – 2nd Floor
P.O. Box 2531
Inuvik, NT X0E 0T0
Phone: 867 678-2942
Fax : 867 678-2943**

If you have any technical questions concerning your water licence application, please contact the IWB support staff

SCHEDULE C

(Water Regulations Section 5 (1))

APPLICATION FOR LICENCE, AMENDMENT OF LICENCE, OR RENEWAL OF LICENCE

APPLICATION NO: _____
(amendment or renewal only)

1. NAME AND MAILING ADDRESS OF APPLICANT

TELEPHONE: _____ FAX: _____

2. ADDRESS OF HEAD OFFICE IN CANADA IF INCORPORATED

TELEPHONE: _____ FAX: _____

3. LOCATION OF UNDERTAKING

Latitude: _____ Longitude: _____

4. DESCRIPTION OF UNDERTAKING (describe and attach plans)

5. TYPE OF UNDERTAKING

1. Industrial _____ 2. Mining and Milling _____

- | | | | |
|----------------|-------|-----------------------------|-------|
| 3. Municipal | _____ | 4. Power | _____ |
| 5. Agriculture | _____ | 6. Conservation | _____ |
| 7. Recreation | _____ | 8. Miscellaneous (describe) | _____ |

6. WATER USE

- _____ To obtain water
- _____ Flood control
- _____ To cross a watercourse
- _____ To divert water
- _____ To modify the base or bank of a watercourse
- _____ To alter the flow, or store, water

Other (describe)

7. QUALITY OF WATER INVOLVED (litres per second, litres per day or cubic metres per year, including both quantity to be used and quality to be returned to source)

8. WASTE DEPOSITED (quantity, quality, treatment and disposal)

9. OTHER PERSONS PROPERTIES AFFECTED BY THIS UNDERAKING (give names, mailing address and location; attach list if necessary)

10. PREDICTED ENVIRONMENTAL IMPACTS OF UNDERTAKING AND PROPOSED MITIGATION

11. CONTRACTOR AND SUB-CONTRACTORS (names, addresses and functions)

12. STUDIES UNDERTAKEN TO DATE (attach list if necessary)

13. PROPOSED TIME SCHEDULE

Start date: _____

Completion date: _____

NAME: _____
(print)

TITLE: _____
(print)

SIGNATURE: _____

DATE: _____

FOR IWB OFFICE USE ONLY

APPLICATION FEE Amount: \$ _____

Receipt #: _____

WATER USE DEPOSIT Amount: \$ _____

Receipt #: _____