

Inuvialuit Water Board

IWB STEP BY STEP LICENCING PROCESS

If you are planning to undertake an activity within that portion of the Inuvialuit Settlement Region (ISR) that is within the Northwest Territories, and the activity will either directly or indirectly involve the use of waters or the deposit of wastes, you may need to apply for and obtain a water licence from the Inuvialuit Water Board (IWB).

The following information may assist you in determining if you need a water licence and the steps required to obtain one.

Note: Where there is inconsistency between the information provided below and the *Waters Act* and *Waters Regulations*, the *Act* and *Regulations* will prevail.

- 1) Certain activities involving the use of waters or the deposit of wastes may be undertaken without a water licence. These activities are listed in the *Waters Act*, clause 10. (2) and the *Waters Regulations*, clause 4. The *Waters Act* can be found on the GNWT website at: www.justice.gov.nt.ca/en/files/legislation/waters/waters.a.pdf and the *Waters Regulations* at: www.justice.gov.nt.ca/en/files/legislation/waters/waters.r1.pdf or on the IWB website at: www.inuvwb.ca/resources/legislation. Please contact the IWB should you have any questions about water licences in relation to your planned activity.
- 2) It is important to note that before a water licence can be issued by the IWB, the applicant must demonstrate that the proposed activity is in compliance with the environmental screening and review provisions outlined within The Western Arctic Claim, also known as the Inuvialuit Final Agreement (IFA). This requires a separate engagement with the (Joint Secretariat) Environmental Impact Screening Committee to determine the extent of environmental impact screening and review required of the activity. The additional time required to undertake and complete this engagement should be considered by the applicant. Information regarding the Environmental Impact Screening Committee and their processes can be found on their website at: www.screeningcommittee.ca.
- 3) There are two types of water licences - Type A and Type B. The determining criteria for each are listed in the *Waters Regulations* schedules D, E, F, G and H. Type A water licence applications are automatically subject to a public hearing whereas Type B water licence applications are not - with one exception as noted below under item #6.
- 4) If you require a water licence you must complete and submit an application (Schedule C of the *Waters Regulations*) to the IWB. The completed application, with supporting documentation and implementation management plans, should provide information in sufficient detail to enable the IWB to determine the overall impact of your planned activities, from initiation to licence expiry, on the water resources of the region and the impacts of your activity on any other party holding water interests or rights within the region. Templates are provided as guides on the IWB website to assist in the development and finalization of management plans.

The applicant should provide a consultation record on how communities and Inuvialuit organizations within the region and activity area were engaged and consulted regarding the planned activity. Engagement and consultations should be undertaken in a manner that provides the consulted party with:

- Notice of the activity in sufficient form and detail to allow the party to prepare its views on the activity;
- A reasonable period of time for the party to prepare its views; and
- An opportunity to present its views on the activity.

Consultation records should include concerns raised by the consulted parties and mitigating measures or responses provided by the applicant.

Note: The IWB Water Licensing Process Flowchart can be found on the IWB website at https://www.inuvwb.ca/sites/default/files/160119_iwb_process_guide_for_public-private_lands.pdf.

- 5) Upon review of the application by the IWB, additional information may be requested from the applicant before the application can be accepted as complete by the Board of IWB (the Board).
- 6) As soon as the application is determined to be complete:
 - The IWB places a notice of the application in a paper of general circulation in the NWT to solicit any comments that members of the public may wish to submit.
 - If the application is for a Type A licence it will be subject to a public hearing and the IWB places a notice of the public hearing in the *Northwest Territories Gazette* in addition to placing a notice of the public hearing in a paper of general circulation.
 - The IWB distributes a copy of the application to territorial and federal government departments holding an interest in water within the ISR, communities within the activity area, and Inuvialuit community and regional organizations established under the IFA. All parties contacted are invited to review, comment and/or make recommendations regarding the application.

Upon receipt of input from these and all other parties, the application is formally considered by the Board. During its deliberations, the Board considers all of the evidence that it has collected, including the content of the application and supporting documentation, comments and recommendations from parties with interests, comments from the general public and any technical information collected by the Board. If the Board decides to issue a water licence, it will determine any terms and conditions that will be included in the licence prior to the licence's finalization.

Note: Should the application be for a Type B water licence, the Board may, upon consideration of the application and input from external parties, hold a public hearing in relation to the proposed activity, if satisfied that it would be in the public interest to do so.

- 7) During their consideration of an application, the Board also determines whether there is the need for the applicant to post a security deposit related to abandonment of the activity, restoration of the site on which activities are to occur or ongoing measures that may remain to be taken after abandonment of the activity. Although the amount of the security deposit is set by the Board, the

form of the security deposit must be satisfactory to and is held by the Minister of the GNWT Department of Environment and Natural Resources (ENR).

- 8) If the applicant's planned use of waters or deposit of wastes will adversely affect, in a significant way, other parties, the applicant must satisfy the Board that compensation that the Board considers appropriate has or will be paid to those parties.
- 9) Following a decision on the application by the Board, formal approval authority is held by the Chairperson of the Board for all Type B licences that did not involve a public hearing, and by the Minister of the Government of the Northwest Territories (GNWT) Department of Environment and Natural Resources (ENR) for Type A licences and Type B licenses that did involve a public hearing, with the exception of federal appurtenant undertakings where the authority is held by the federal minister.
- 10) The *Waters Act* requires the Board to make a decision on a water licence application within nine months from when the application was deemed, by the Board, to be complete. This time limit may be extended to accommodate circumstances related to environmental screening and review of the activity or negotiation of compensation agreements. If the application is for a Type A licence, the Minister of ENR has up to 45 days after the Board's decision was referred to him to either approve or reject the decision - the Minister may extend this time limit by an additional 45 days. If the Minister rejects the decision of the Board, the application is returned to the Board with reasons for rejection. Should this occur the applicant may wish to reapply taking into consideration the reasons provided by the Minister for his rejection.
- 11) Upon formal approval, the water licence - including terms and conditions for water use and waste disposal, security deposit requirements, compensation agreements (if required), environmental monitoring requirements, and general water licencing provisions - is submitted to the applicant. Copies of all documentation / evidence related to the application and its consideration by IWB, including the Board's reasons for decision, are posted on the IWB Public Register.
- 12) It is important to note that the responsibility for monitoring and enforcing the terms and conditions of water licences is held by ENR. Upon issuance, a copy of all water licences issued by the IWB is provided to ENR. ENR provides a copy of all their water licence inspection reports to the IWB for review and placement on the IWB public register.
- 13) Licence holders are required to provide annual report(s) to IWB on the use of waters and deposit of wastes associated with the activity and any other matter included in the terms and conditions of the water licence.
- 14) IWB monitors water licence performance through the receipt and review of annual reports from licence holders and inspection reports provided by ENR. Additional information or clarification on these reports may be requested by IWB.
- 15) Provisions related to the renewal, amendment, modification, cancellation or assignment of water licences are outlined within the *Waters Act*.

- 16)** All documentation related to every water licence application and licence, from the initial application to expiry of the licence, regardless of whether or not an application is approved or rejected, is posted on the IWB public register and made available to the general public upon request.
- 17)** Unless extended or cancelled, with one exception, all water licences and IWB activities related to any water licence are concluded on the expiry date stated in the licence. As annual reports are required from the licence holder for each year of the water licence, the licence holder is still required to complete an annual report for the final year of the water licence and provide it to the IWB for their review and placement on the IWB public register. These final annual reports may be received by the IWB following the expiry date of the water licence.
- 18)** For additional information on these or other matters related to the application for, consideration, issuance, implementation, renewal, amendment, modification, cancellation or assignment of water licences within that portion of the Inuvialuit Settlement Region within the Northwest Territories please contact the Executive Director of the IWB or refer directly to the *Waters Act* or Waters Regulations.

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