

Northwest Territories Water Board Annual Report April 1, 2008 – March 31, 2009

1.0 Overview

The Northwest Territories Water Board (NWTWB) was established under Section 7 of the *Northern Inland Waters Act* (NIWA) proclaimed on February 28, 1972. The NIWA was repealed in June 1992 and replaced with the current *Norwest Territories Waters Act* (NWTWA).

The mandate of the Water Board is described in the *NWT Waters Act* (S. 12): "*To provide for the conservation, development and utilization of waters in a manner that will provide the optimum benefit therefrom for all Canadians and for the residents of the Northwest Territories in particular.*"

The Water Board is guided by the *NWT Waters Act and Regulations*, *The Canadian Environmental Assessment Act* (1995) (CEAA) and the *Inuvialuit Final Agreement* (1984) (IFA). Before the Water Board may issue a water licence, it must first assess the environmental and socio-economic impacts of an application, as set out in CEAA. The Water Board uses the results of the assessment to decide whether the proposed project may proceed through the licensing process. The assessment is also used to determine any terms and conditions to be applied to water licences issued by the Water Board for the project.

2.0 NWT Water Board Establishment and Appointments

The Water Board consists of from four to nine members who are each appointed by the Minister of Indian Affairs and Northern Development (DIAND). The membership of the Board shall include at least one nominee presiding over each of the departments of the Government of Canada that are, in the opinion of the Governor-in-Council, most directly concerned with the management of waters in the Inuvialuit Settlement Region (ISR) of the Northwest Territories. At least three (3) members are nominees of the Government Leader of the Northwest Territories. The *NWT Waters Act* specifies that the Minister of DIAND shall designate two (2) members of the Board as Chairperson and Vice-Chairperson, respectively.

As of March 31, 2009, with two vacancies, the members of the NWT Water Board were:

Mr. Eddie Dillon – Chair (DIAND)
Mr. Rudy Cockney – Vice-Chair (DIAND)
Dr. David Emery (GNWT)
Dr. Andre Corriveau (GNWT)
Mr. Emery Paquin (GNWT)
Vacant – EC
Vacant - HC

3.0 NWT Water Board Office Location and Staffing Plan

As of January 2008, the Water Board support staff reports administratively to Corporate Services of DIAND. The Department provides the Water Board with required support for financial and human resources. As of June 2008 the Water Board opened its main offices in Inuvik to better serve its area of responsibility. A small office is also maintained in Yellowknife.

The Water Board submits an annual budget request to DIAND and, in turn, receives funding from the Department based on a Contribution Agreement. The Board completes an annual audit for submission to DIAND. The current auditors are Mackay LLP chartered accountants located in Yellowknife, NT.

In the fall of 2008, the Inuvik Office was staffed with an Executive Director and an Office and Finance Administrator. In early 2009, a Regulatory Coordinator was also hired, with one Regulatory Officer position remaining unfilled. There remains one Office Manager in the Yellowknife Office.

Current support staff:

Mike Harlow – Executive Director
Freda Wilson – Office and Finance Administrator
Sarah McKenzie – Regulatory Coordinator
Liz Castaneda – Office Manager (Yellowknife)
Vacant – Regulatory Officer

4.0 NWT Water Board Core Activities 2008-2009

4.1 Type A and Type B Licensing

The Water Board issues type A and Type B water licences. In general, Type A licences are for larger undertakings and Type B licences are for smaller projects.

The Board presently issues water licences to two primary types of proponents in the Inuvialuit Settlement Region (ISR):

- Municipalities: These have Type B water licences in the ISR.
- Oil and Gas Exploration and Development Companies: These generally have Type B licences associated with smaller-scale exploration projects, although some projects may differ and may require a Type A licence.

Licences may also be sought by other users, such as mineral developers and authorities charged with the cleanup and remediation of certain sites in the ISR.

4.2 Type A and Type B Licensing and the Regulatory Process

The licensing and regulatory process for Type A and Type B water licence applications require three reviews. These reviews involve the NWT Water Board, the Environmental Impact Screening Committee (EISC), and the Canadian Environmental Assessment Agency (CEAA).

The EISC and CEAA screenings cover the project description as a whole, not just the water portion of the application. They provide copies of their recommendations and decision to the Water Board.

Under the requirements of the IFA, the Water Board cannot proceed with the issuance of a water licence until such time as the EISC has rendered a decision. It should be noted that projects with trans-boundary implications may also be subject to other environmental and technical screening processes.

5.0 The Workload of the Water Board

The NWT Water Board signed a 2008-2009 fiscal year Contribution Agreement for \$1,071,000 (Core = \$700,000; EMCIII = \$371,000). Some funds allocated to the NWTWB are not reflected in the contribution agreement. These funds were paid on behalf of the NWTWB by DIAND for consultant services.

From April 1, 2008 to March 31, 2009, the Board received a total of nine (9) water licence applications which included one (1) Type A water licence application and eight (8) Type B water licence applications. The Type B licence applications included one renewal and three amendments.

List of water licences issued by the NWT Water Board during the 2008-2009 fiscal year:

- Licence N7-1 – 1824 – INAC/CARD – Johnson Point
- Licence N7-1 – 1525 – Ulukhaktok I
- Licence N7-1 – 1827 – MGM Energy Corp. – West Delta Drilling
- Licence N7-1 – 1829 – MGM Energy Corp. – West Langley Drilling

In addition to the issuance of four water licences, the expiry date of three licences was amended, as follows:

- Licence N7L1 – 1797 – MGM Energy Corp. – Burnt Lake
- Licence N7L1 – 1815 – MGM Energy Corp. – Taktuk, Langley, Farewell
- Licence N7L1 – 1817 – Aurora Research Inst. – Mallik

The NWT Water Board members held eleven (11) meetings over the past fiscal year:

- Meeting 352 – May 8, 2008 – Calgary, AB
- Meeting 353 – May 12, 2008 – Conference Call
- Meeting 354 – June 11, 2008 – Inuvik, NT
- Meeting 355 – September 25, 2008 – Yellowknife, NT
- Meeting 356 – September 30, 2008 – Conference Call
- Meeting 357 – October 3, 2008 – Conference Call
- Meeting 358 – October 29, 2008 – Inuvik, NT
- Meeting 359 – November 24, 2008 – Conference Call
- Meeting 360 – December 18, 2008 – Yellowknife, NT
- Meeting 361 – February 3, 2009 – Yellowknife, NT
- Meeting 362 – March 18 & 20, 2009 – Inuvik, NT