

# Land and Water Boards of the Mackenzie Valley



## Guide to the Water Licensing Process

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**Mackenzie Valley Land and Water Board**

**Gwich'in Land and Water Board**

**Sahtu Land and Water Board**

**Wek'èezhìi Land and Water Board**

**September 16, 2020**

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## Definitions and Acronyms

TERM	DEFINITION
AANDC	Aboriginal Affairs and Northern Development Canada (now CIRNAC)
AEMP	Aquatic Effects Monitoring Program
Applicant	A person who has filed an application with the Board.
Application	Any application for or in relation to a land use permit or water licence submitted in accordance with the <i>Mackenzie Valley Resource Management Act</i> (MVRMA), the <i>Waters Act</i> , or their regulations, and includes a request for a Board ruling, a plan approval, or any step required to advance a Board proceeding.
Boards	<p>The Land and Water Boards of the Mackenzie Valley, as mandated by the MVRMA.</p> <ul style="list-style-type: none"> <li>Part 3 of the MVRMA establishes regional land and water boards with the power to regulate the use of land and water, and the deposit of waste, including the issuance of land use permits and water licences, so as to provide for the conservation, development, and utilization of land and water resources in a manner that will ensure the optimum benefit to the residents of the management area and of the Mackenzie Valley and to all Canadians.</li> <li>Part 4 of the MVRMA establishes the Mackenzie Valley Land and Water Board (MVLWB).</li> <li>Regional Land and Water Boards have been established in the Gwich'in, Sahtu, and Wek'èezhii management areas and now form Regional Panels of the MVLWB.</li> </ul>
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada (formerly AANDC/INAC)
Closure cost estimate	An estimate of the cost to close and reclaim a project.
Complete application	An application that has been deemed to contain the appropriate amount and type of information necessary to be considered by a Board (see section 3 for more details).
Effluent quality criteria (EQC)	Numerical or narrative limits on the quality or quantity of waste authorized for disposal to the receiving environment.
EA	environmental assessment
EIR	environmental impact review
GNWT	Government of the Northwest Territories
GLWB	Gwich'in Land and Water Board
Greywater	All liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities, but not including toilet wastes.
Hazardous waste	A waste which, because of its quantity, concentration, or characteristics, may be harmful to human health or the environment when improperly treated, stored, transported, or disposed.
Indigenous government/organization	An Aboriginal organization representing a First Nation (as defined in section 2 of the MVRMA), Metis or Inuit organization, the Tłı̨ch'ı̨ Government, or the Délı̨ne Gwı̨'ı̨ Government

information request (IR)	A written request for information or particulars directed by the Board to a party in a proceeding, or issued from one party to another, in accordance with the MVLWB <i>Rules of Procedure</i> .
INAC	Indigenous and Northern Affairs Canada/Indian and Northern Affairs Canada (now CIRNAC)
Landowner	In respect of settlement lands, Tłjchq lands, Déljné lands or other private lands, the title holder; and in respect of any other lands, the minister of the Crown or the Commissioner of the Northwest Territories, as the case may be, who has administration and control of the lands. <sup>1</sup>
Land use permit	An authorization required for an activity set out in sections 4 and 5 of the Mackenzie Valley Land Use Regulations, or a land use permit (Type C) required by Tłjchq law for use of Tłjchq lands, or by a Déljné law for use of Déljné lands, respectively, for which a Type A or B land use permit is not required.
LUPB	Land Use Planning Board
Licensee	A person who holds a water licence issued by a Board.
Mackenzie Valley	That part of the Northwest Territories bounded on the south by the 60 <sup>th</sup> parallel of latitude, on the west by the Yukon Territory, on the north by the Inuvialuit Settlement Region as defined in the Agreement given effect by the <i>Western Arctic (Inuvialuit) Claims Settlement Act</i> , and on the east by the Nunavut Settlement Area as defined in the Nunavut Land Claims Agreement Act, but not including Wood Buffalo National Park.
Minister	The Minister of Environment and Natural Resources (non-federal areas) or the Minister of Northern Affairs (federal areas), as the case may be.
MVLWB	Mackenzie Valley Land and Water Board
MVFAWR	Mackenzie Valley Federal Areas Waters Regulations
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWT	Northwest Territories
Ordinary high-water mark	The usual or average level to which a watercourse rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing watercourses (rivers, streams), this refers to an active channel/bank-full level, which is often the 1:2-year flood flow return level. In inland lakes, wetlands or marine environments, it refers to those parts of the watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominantly aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).
ORS	Online Review System

<sup>1</sup>As defined in section 1 of the [Mackenzie Valley Land Use Regulations](#).

project	Any undertaking (as defined in section 1 of the Waters Regulations and section 2 of the MVFAWR <sup>2</sup> ) that requires a water licence or land use permit.
receiving environment	The natural environment that, directly or indirectly, receives any deposit or discharge of waste from a project.
Review Board	Mackenzie Valley Environmental Impact Review Board
security deposit	Funds held by the appropriate authority (the GNWT, CIRNAC, or other landowner) that can be used in the case of abandonment of a project to reclaim the site, or to carry out any ongoing measures that may remain to be taken after the abandonment of the project.
sewage	All toilet waste (blackwater) and greywater.
SLWB	Sahtu Land and Water Board
SNP	Surveillance Network Program
toilet waste	All human excreta and associated products, not including greywater.
traditional (environmental) knowledge (TEK/TK)	A cumulative, collective body of knowledge, experience, and values built up by a group of people through generations of living in close contact with nature. Builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change. <sup>3</sup>
type A water licence	A water licence required as per Column IV of Schedules D to H of the Waters Regulations (for non-federal areas) and Column IV of Schedules IV to VIII of the MVFAWR (for federal areas).
type B water licence	A water licence required as per Column III of Schedules D to H of the Waters Regulations (for non-federal areas) and Column III of Schedules IV to VIII of the MVFAWR (for federal areas).
waste	As defined in section 1 of the <i>Waters Act</i> <sup>4</sup> and section 51 of the MVRMA.
WLWB	Wek'èezhii Land and Water Board

<sup>2</sup> "Undertaking" is defined, in section 1 of the [Waters Regulations](#) and section 2 of the [MVFAWR](#), as: an undertaking in respect of which water is to be used or waste is to be deposited, of a type set out in Schedule B, or Schedule II, respectively.

<sup>3</sup> Individual organizations may have specific practices and protocols in place guiding use of traditional knowledge.

<sup>4</sup> "Waste" is defined, in section 1 of the [Waters Act](#), as:

- (a) any substance that, if added to water, would degrade or alter or form part of a process of degradation or alteration of the quality of the water to an extent that is detrimental to its use by people or by any animal, fish or plant, or
  - (b) water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent described in paragraph (a),
- and, without limiting the generality of the foregoing, includes
- (c) any substance or water that, for the purposes of the *Canada Water Act*, is deemed to be Waste,
  - (d) any substance or class of substances prescribed by regulations made under subparagraph 63(1)(b)(i),
  - (e) water that contains any substance or class of substances in a quantity or concentration that is equal to or greater than a quantity or concentration prescribed in respect of that substance or class of substances by regulations made under subparagraph 63(1)(b)(ii), and
  - (f) water that has been subjected to a treatment, process or change prescribed by regulations made under subparagraph 63(1)(b)(iii).

# 1 Introduction

The Land and Water Boards (the Boards) of the Mackenzie Valley regulate the use of water and deposit of waste through the issuance of water licences in accordance with the [Waters Act](#) and [Waters Regulations](#), and the [Mackenzie Valley Resource Management Act](#) (MVRMA) and [Mackenzie Valley Federal Areas Waters Regulations](#) (MVFAWR).

## 1.1 Purpose

This Guide outlines:

- When water licences are required;
- How to complete a water licence application form;
- What submissions are required with an application package;
- Steps and time frames in the licensing process; and
- Other types of water licence applications and submissions.

The purpose of this Guide is to promote:

- Efficiency – Simplify the water licensing process for applicants by providing clear instructions and expectations;
- Certainty – Ensure applicants understand the required information, level of effort, and time frames associated with water licensing, prior to and during the process;
- Consistency – Ensure expectations and Board practices are consistent throughout the Mackenzie Valley, unless there are regional differences (e.g., there is a land use plan for the area); and
- Transparency – Ensure that all parties involved in the water licensing process have enough information to participate in a meaningful way.

The Acts and Regulations<sup>5</sup> are the authority in any case where there is a conflict or inconsistency between this Guide and the legislation. Additionally, links to various other relevant references are provided in this Guide to assist readers; however, these references may be subject to revisions following the publication of this Guide. Applicants and other readers should always ensure they are using the most recent versions of any references (e.g., legislation, guidelines, policies, land use plans, etc.).

## 1.2 Authority

Sections 65, 102, and 106 of the MVRMA grant the Board the authority to develop and implement guidelines.

## 1.3 How This Guide Was Developed

In 2015, under the Areas of Operation Initiative, the Boards formed several teams to work on issues identified as priorities related to various areas of operation. The Water Licensing Team, one of the teams established at that time, was tasked with working on several issues related to the Boards' water licensing

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<sup>5</sup> The [Waters Act](#) and [MVRMA](#), and the [Water Regulations](#) and [MVFAWR](#), respectively.

process. One of the Water Licensing Team's priorities was to develop this *Guide to the Water Licensing Process*, which was distributed for public review on August 1, 2019, with comments due by September 19, 2019.

The *Guide to the Water Licensing Process* is based on the format of the MVLWB *Guide to the Land Use Permitting Process*, which was developed in 2013 by the Application Processes Working Group (prior to the Areas of Operations Initiative) and updated in 2019 by the Water Licensing Team. During the development of both Guides, the Teams compared the practices of the Sahtu, Gwich'in, Wek'èezhii, and Mackenzie Valley Land and Water Boards, and developed consistent practices on many issues, which are reflected in the Guides.

#### **1.4 Application of this Guide**

Once finalized, this document will be applied by the following Boards for all projects that require a water licence (see [section 2.1](#)):

- Mackenzie Valley Land and Water Board (MVLWB)
- Gwich'in Land and Water Board (GLWB)
- Sahtu Land and Water Board (SLWB)
- Wek'èezhii Land and Water Board (WLWB)

#### **1.5 Monitoring and Performance Measurement of this Guide**

Mechanisms will be required to monitor and measure performance and to evaluate the effectiveness of this Guide. In accordance with the principles of a management systems approach (e.g., plan-do-check-act), the Boards will develop a performance measurement framework. This Guide will be reviewed and amended as necessary within that framework. The framework will also describe how affected parties, industry, and government will be involved in the review process.



## 2 When is a Water Licence Required?

The Boards regulate the use of water and deposit of waste in the Mackenzie Valley by issuing water licences. There are two types of water licences: type A and type B.

- Type A licences are generally for larger projects that use more water or have a greater environmental impact. Typical examples of projects requiring a type A licence include mines and large hydroelectric projects.
- Type B licences are generally for smaller projects with less impact on the environment. Typical examples include advanced mineral and oil and gas exploration, and municipal water treatment facilities for smaller communities.

The Boards issue both types of licences; however, type A licences require the approval of the Minister before they become effective.<sup>6</sup> Public hearings are only mandatory for type A licences, but the Board may also hold a public hearing for a type B licence if needed. Type B licences do not require the Minister's approval unless a public hearing is held.

In all cases, potential applicants should also consider whether a land use permit application is required. For more information about when a land use permit is required, please see the MVLWB [Guide to the Land Use Permitting Process](#).

Applicants should note that water licences and land use permits issued by the Boards do not, in most cases, grant the licensee or permittee the legal right to access, occupy, or possess the land. **Applicants must contact the appropriate landowner to obtain permission/authorization to access the lands (see Appendix D for contact information for landowners).**

### 2.1 Activities that Require a Water Licence

Water licence criteria are categorized in the legislation by activity type: industrial, mining and milling, municipal, power, and agriculture/conservation/recreation/miscellaneous.<sup>7</sup> For each type of activity, the amount and type of water use, and/or the amount and type of waste to be deposited will determine whether a water licence is required, and whether a licence will be a type A or type B licence.

Applicants should first categorize the project by comparing the primary project activity with the descriptions in Schedule B or Schedule 2 of the [Waters Regulations](#) or [MVFAWR](#), respectively. Based on this categorization, applicants must then use the applicable licensing criteria set out in Schedules D-H or 4-8 of the [Waters Regulations](#) or [MVFAWR](#), respectively, to determine what type of licence, if any, is required.

Generally, a water licence will be required if engaging in any of the following activities:

- 100 m<sup>3</sup> or more of direct water use per day;

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<sup>6</sup> The Ministers are the Minister of Northern Affairs Canada (CIRNAC) for federal areas, and, in accordance with the [Delegation Instrument](#), the Minister of Environment and Natural Resources (ENR) for non-federal areas.

<sup>7</sup> See Schedules D to H of the [Waters Regulations](#) and Schedules 4 to 8 of the [MVFAWR](#).

- A municipality or camp with the capacity to house 50 or more people;
- Construction of a structure across a watercourse five or more metres wide at ordinary high-water mark;
- Channel and bank alterations, erosion control, diversion of water, alteration of flow, or storage of water (dam or storage reservoir);
- Draining or infilling of a watercourse; and/or
- Any direct or indirect deposit of waste (solid waste, sewage, drilling waste, etc.) to water.

**For the full list of activities requiring a water licence, and for further clarification on the type of licence required, please refer to [Appendix B](#) and [Appendix C](#). For more information on what is considered water use, see the MVLWB [Reference Bulletin: Water Use](#).**

If a proposed project will be taking place in both non-federal and federal areas, two licences are required – one for the non-federal area, and one for the federal area. The deposit of waste, the total volume of water used, and/or any other licensing criteria exceeded by the project as a whole will determine whether the licences are type A or B (both licences will be the same type); however, the applicant will be required to provide information about the project activities and water uses specific to each area, as well as information about the project as a whole.<sup>8</sup>

## 2.2 Activities that Do Not Require a Water Licence

A water licence is not required for:<sup>9</sup>

- Domestic use, by a person using water for household requirements, watering of domestic animals, and irrigation of a garden adjacent to a dwelling;
- An instream user, described as a person using water for the purpose of boating, personal fishing, and swimming;
- Water used for the purpose of extinguishing fire;
- Water used on an emergency basis for controlling or preventing a flood; or
- Any activity that is described in Column II of Schedules D to H of the [Waters Regulations](#) (in non-federal areas) or Column II of Schedules IV to VIII of the [MVFAWR](#) (in federal areas).<sup>10</sup>

A water licence is also not required for water use associated with an emergency that threatens life, property, or the environment.<sup>11</sup>

For further information, see [Appendix C](#) of this Guide.

<sup>8</sup> See MVLWB [Reference Bulletin: Split-Interest Projects](#).

<sup>9</sup> See subsection 10(2) of the [Waters Act](#) and subsection 72(2) of the [MVRMA](#).

<sup>10</sup> As per subsections 4(1) of the [Waters Regulations](#) and 5(2) of the [MVFAWR](#), a licence may still be required for the activities listed in these Columns if there is potential for significant adverse environmental effects or impacts to the existing rights of other water users or waste depositors.

<sup>11</sup> See paragraph 10(2)(c) of the [Waters Act](#) and paragraph 72(2)(c) of the [MVRMA](#).

### 3 Applying for a New Water Licence

This section of the Guide provides detailed information about how to complete the Water Licence Application Form (the Application Form), and what submissions are typically required along with the Application Form to make a complete application package. This information is also applicable to amendment and renewal applications. [Section 3.1](#) details information that applicants will need to prepare and gather prior to submitting an application package. [Section 3.2](#) gives step-by-step guidance on completing the Application Form. [Section 3.3](#) summarizes the application package requirements in a table that can be used as an application checklist. The table details the different plans and additional information that may be required with the application, depending on the activity applied for; below the table, these items are discussed in more detail.

The amount of information that the Boards require in the application package **depends on the size, scale, and nature of the project being proposed**. Typically, a type A water licence application has more extensive information requirements than a type B water licence application. The Boards also typically require more detail in a post-environmental assessment (EA) or environmental impact review (EIR) information package (see [section 4.2](#)) than in an initial application package. Regardless, the Board may request more information for any water licence application in order to complete a preliminary screening or make an exemption confirmation for the project, and/or to set the term and conditions for the water licence.

If the applicant is applying for both a licence and a permit, the applicant must fill out both application forms; however, where identical attachments are required, such as a Waste Management Plan, the applicant can submit one document for both application packages.

**The Boards will only process applications that are complete, so all required information must be submitted.** If the proposed project requires a licence, the applicant must describe all project activities, including those that are below licensing thresholds – the preliminary screening will include all project activities (unless exempt – see [section 4.2](#) for more information), and the licence will be developed for the project as whole, not only for the activities that exceed licensing criteria. The Boards recommend that all potential applicants contact LWB staff while developing their application or post-EA/EIR information package (see [Appendix A](#) for contact information). LWB staff are available to provide guidance, which supports a more efficient regulatory process.

#### 3.1 Pre-Application Information

For projects that require a licence (see [section 2](#) to determine whether a licence is required), the applicant should complete the following prior to submitting an application package to the Board:

- Contact LWB staff (see [Appendix A](#) for contact information);
- Conduct engagement and prepare an Engagement Record and Engagement Plan in accordance with the MVLWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). **Engagement should be initiated well in advance of the submission of an application to allow potentially affected parties sufficient time to review the information and discuss it with the applicant.** This Plan and Record must be submitted as an attachment to the Application Form;

- When conducting engagement, contact GNWT-Lands (non-federal areas) or CIRNAC (federal areas) for assistance in notifying lease holders in the area (note that lease-holder information is not publicly available);
- If applicable, obtain a Certificate of Registration from GNWT Corporate Registries (required for companies);
- Obtain or renew permission from the landowner if necessary (e.g., obtain licence of occupation, lease, access authorization, etc.) (see [Appendix D](#) for contact information for landowners);
- Contact federal and territorial governments, Indigenous governments/organizations, and other parties to determine what other authorizations may be needed to proceed with the project (see [Appendix E](#));
- Contact other local licensees, permittees, applicants, and water users to ensure they are aware of the proposed project;
- If applicable, contact the Land Use Planning Board (LUPB) or the Tłı̄ch̄ Government to discuss conformity of the project with the relevant land use plan;
- Gather and prepare any information needed to support the application. For example, this may include collection of baseline data, traditional knowledge, or information or data supporting proposed treatment technologies or mitigation measures;
- Develop a closure cost estimate to understand how much security might be required and to provide reviewers the opportunity to comment on the estimate. Guidance is available in the MVLWB/GNWT/INAC [Guidelines for Closure and Reclamation Cost Estimates for Mines](#), which can be applied to all projects requiring a water licence. The applicant should communicate with the landowner when developing the submission;
- Provide proof of financial capacity;<sup>12</sup>
- If proposing disposal of waste off-site within the NWT (including at municipal facilities), obtain written confirmation from the facility/facilities stating that they will accept the waste;
- Contact GNWT-Environment and Natural Resources for guidance on whether a Wildlife Management and Monitoring Plan may be required; and
- Contact the Prince of Wales Northern Heritage Centre (PWNHC) to obtain relevant archaeological site data and identify archaeological site assessment needs. Please refer to the PWNHC's [Guidelines for Developers for the Protection of Archaeological Sites in the Northwest Territories](#).

### 3.2 Completing the Water Licence Application Form

The Water Licence Application Form and related resources can be found on each Board's website on the Apply for Permit/Licence page.<sup>13</sup> All applications must include a completed Application Form; additional pages or supporting documents should be attached to the Application Form where required to provide all the information necessary for a complete application package. [Section 3.3](#) describes the Board's expectations regarding supporting documents. When preparing an application package, please refer to the MVLWB [Document Submission Standards](#) and [Standard Outline for Management Plans](#).

<sup>12</sup> See paragraphs 26(5)(d) of the [Waters Act](#) and 72.03(5)(d) of the [MVRMA](#).

<sup>13</sup> Apply for Permit/Licence : [MVLWB](#), [SLWB](#), [GLWB](#), and [WLWB](#).

In some cases, particularly for larger projects or projects that have undergone an EA or EIR, the Board may provide the applicant with an information request listing additional information requirements that must be included in the application package. To determine what information may be required, applicants are encouraged to contact LWB staff prior to submitting an application (see [Appendix A](#) for contact information).

If a proposed project will be taking place in both non-federal and federal areas, two licence Application Forms are required – one for the non-federal area, and one for the federal area – and fees are required for each application. The applicant must provide information about the project activities and water uses specific to each area, as well as information about the project as a whole. One set of supporting documents, such as engagement and management plans, can be prepared and submitted for both applications; however, these documents must clearly describe any differences associated with each land type.<sup>14</sup>

The sequence of numbered statements below corresponds to specific numbered items in the Application Form. For each item, the required information, and/or references to supporting documents attached to the Application Form, should be provided in the grey fields. For items, or parts of items, that are not applicable, please indicate N/A.

Before proceeding to the numbered items:

- Select the Board the application will be submitted to. If unsure which Board to submit the application to, please see the Active Authorizations map on the Maps page<sup>15</sup> of any of the Boards' websites, or contact LWB staff (see [Appendix A](#) for contact information). Transboundary applications should be submitted to the MVLWB. A project is considered transboundary if the boundaries and/or potential impacts of the project overlap the land and/or the waters managed by two separate Boards (e.g., the land and waters regulated by the SLWB, and land and waters regulated by the MVLWB)—this also includes management areas outside of the Mackenzie Valley (e.g., the land and waters regulated by the Yukon Government, and land and waters regulated by the GLWB).<sup>16</sup>
- When applying for an amendment or renewal, enter the existing licence number.
- Indicate whether the application will be accompanied by a land use permit application and/or another water licence application for the project.

### **Application Form Item 1: NAME AND CONTACT INFORMATION – APPLICANT**

Indicate the full name, position, address, telephone number, and email of the person or company applying for a water licence. If the applicant is a company, provide the company name as well the name and position of the person who is applying on behalf of the company. In all cases, this should be the same person who will be signing the Application Form (see [Item 16](#)). Please be advised that initials are not acceptable.

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<sup>14</sup> See MVLWB [Reference Bulletin: Split-Interest Projects](#).

<sup>15</sup> See Maps webpages: [GLWB](#), [MVLWB](#), [SLWB](#), [WLWB](#).

<sup>16</sup> See MVLWB [Transboundary Policy](#).

## Application Form Item 2: NAME AND CONTACT INFORMATION – APPLICANT’S HEAD OFFICE

Indicate the full name, position, mailing address, telephone number, and email of the organization’s head office, if not the same as in Item 1 above.

Companies must be in good standing and registered with GNWT [Corporate Registries](#) to do business in the Northwest Territories, and must provide a copy of their current NWT Certificate of Registration in the application package.

Individual applicants that are not companies (e.g., an individual applying to build a road to a cabin) and territorial, federal, and community governments do not need this Certificate.

## Application Form Item 3: LOCATION OF PROJECT

For more information on the requirements set out below, please refer to the MVLWB [Guideline for Geographic Information System \(GIS\) Submission Standard](#), which includes an application checklist in Appendix A.

### Maps

Include an overview map scaled at 1:250,000 or less to show the location of the project area, and a detailed map scaled at 1:50,000 or more, showing local geographic features, watercourses and water sources, project structures, and location(s) of any proposed waste deposits. For larger projects, additional maps may be required.

### Geographic Coordinates

Provide geographic coordinates (latitude and longitude) of project features and the maximum and minimum project boundaries in degree, minutes, and seconds, or in decimal degrees.

### Geographic Information System (GIS) Data

GIS data should be submitted as an attachment to the Application Form. For small-scale projects, GIS data may not be required, but should be provided if available. Please contact LWB staff for assistance in determining whether GIS data is required (see [Appendix A](#) for contact information).

### Map Sheet Number

Provide the map sheet number. For assistance, refer to the National Topographic Service (NTS) Map Sheet on the Maps page<sup>17</sup> on any of the Boards’ websites.

### Land Types

Identify all land types where the project activities will take place. Please refer to the Maps page<sup>18</sup> on any of the Boards’ websites for guidance on identifying land types. **Note that if project activities will occur in both non-federal and federal areas, two applications are required: one for the activities in non-federal areas and one for the activities in federal areas.**

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<sup>17</sup> See Maps webpages: [GLWB](#), [MVLWB](#), [SLWB](#), [WLWB](#).

<sup>18</sup> See Maps webpages: [GLWB](#), [MVLWB](#), [SLWB](#), [WLWB](#).

#### **Application Form Item 4: DESCRIPTION OF PROJECT**

Provide a complete description of the project and attach detailed site plans. If the Board has provided a project-specific information request, include or attach the required information. Applicants for new municipal water licences must also fill out the [Municipal Water Licence Questionnaire](#).

If the application is for an amendment, describe the nature of the amendment, the definition(s)/condition(s)/portion of the scope to be amended, and the rationale for the amendment.

If the application is for a renewal, indicate whether any changes to the project are proposed, and describe any proposed changes.

If the project is located in an area that is in the process of being reclaimed, describe how reclamation activities have been considered.

#### **Application Form Item 5: TYPE OF UNDERTAKING**

Select the type of project that is being proposed. Select only one type of project; if more than one type applies, select the type of project based on the primary activity. See [Appendix B](#) for more information on the classification of projects.

#### **Application Form Item 6: WATER USE CRITERIA**

Select the appropriate description(s) of water use and the type of licence (A or B) for the proposed activity. See [section 2.1](#) and [Appendix C](#) for more information on licensing criteria for each type of project.

#### **Application Form Item 7: PROPOSED QUANTITY OF WATER INVOLVED**

Describe all proposed water use for the project, including the following information for each proposed water use:

- Purpose of water use;
- Water source name and type;
- Water source location and coordinates;<sup>19</sup> and
- Maximum volume and rate of water use (cubic meters per day or year).

**For more information about what is considered a water use, please see the MVLWB [Reference Bulletin: Water Use](#).**

Include the following information for each proposed water source:

- Capacity of the water source, including units;

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<sup>19</sup> Refer to the MVLWB [Guideline for Geographic Information Systems \(GIS\) Submission Standard](#) for providing geographic information. Provide latitude and longitude geographic coordinates of project features, and the maximum and minimum project boundary in degrees, minutes, seconds, or decimal degrees.



- Comparison of proposed water use to available capacity; and
- Other users of the water source.

If water is being returned to a water source after use, it is still considered a water use and must be included in the proposed water use volume; however, this may need to be considered when assessing capacity and potential effects. Applicants intending to return water to a water source should include the following information:

- Volume and rate of water returned to the source (cubic meters per day or year); and
- Treatment or mitigation methods used prior to returning the water to the source.

Applicants with more complex water management issues may be required to submit a Water and Wastewater Management Plan (see [section 3.3](#)).

If a proposed project will be taking place in both non-federal and federal areas, two licence applications will be required, and the applicant must describe both the total volume of water to be used and the volume to be used under each licence, even if the water source(s) will be the same for both licences. The deposit of waste, the total volume of water used, and/or any other licensing criteria exceeded by the project as a whole will determine whether the licences are type A or B (both licences will be the same type). Each licence will include conditions regulating water use for the applicable area, and both licences may also include conditions regulating the total water use for the project.<sup>20</sup>

Proposed changes to the approved water sources or water use volumes after licence issuance will require an amendment application (see [section 6.1](#)).

### **Application Form Item 8: PROPOSED WASTE MANAGEMENT METHODS**

#### Waste Management Plan

All applicants must submit detailed waste management information, identifying all types of waste that will be produced by the project (including quantity and quality) and describing the disposal methods that are proposed for each type of waste. For most applicants, this should be attached in the form of a Waste Management Plan, developed in accordance with the MVLWB [Guidelines for Developing a Waste Management Plan](#), which includes a template for the Plan. For small-scale projects, this information can be included within the grey field provided on the Application Form; this information will be considered equivalent to a Waste Management Plan. The Plan will require approval from the Board (either at licence issuance, or following issuance if revisions are required). Municipal applicants should refer to the Municipal Waste Management paragraph below.

If proposing to dispose of waste off-site within the NWT (including at municipal facilities), attach written confirmation from the facility/facilities stating that they will accept the type and volume of waste. Otherwise, in the grey field on the Application Form, describe when this information will be provided. Note that this information will be required before the Board can approve the Waste Management Plan.

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<sup>20</sup>See MVLWB [Reference Bulletin: Split-Interest Projects](#).



For some projects, additional management plans and reports may be required to fully describe waste management activities (see [section 3.3](#)). Generally, the type of proposed activity will dictate which management plans are required; however, these may include:

- Rock (Waste Rock and Ore) Management Plan
- Water and Wastewater Management Plan
- Tailings Management Plan
- Landfill Management Plan
- Hydrocarbon-Contaminated Soil Treatment Facility Management Plan
- Operations and Maintenance Plan(s)

#### Municipal Waste Management

Municipal applicants do not need to include a Waste Management Plan but must submit waste management information in Operations and Maintenance Plans. The Board has developed template plans for wastewater (sewage) treatment systems, water treatment plants, and solid waste facilities, all of which can be found on the Boards' websites under [Resources for Municipalities](#). Note that applicants for type A municipal licences and applicants proposing to construct new municipal sewage or solid waste disposal facilities may need to develop project-specific plans instead of using the templates – these applicants are encouraged to contact LWB staff prior to applying. Additional information about municipal solid waste management is available in Environment and Climate Change Canada's [Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document](#).

#### Effluent Quantity and Quality

For projects that will be discharging waste to water – either directly or indirectly – the Board may require an Effluent Quality Criteria (EQC) Report in the application package. EQC are numerical or narrative limits on the quality or quantity of the waste deposited to the receiving environment. The Boards' approach to setting EQC, and the information required to set EQC, is described in the MVLWB [Water and Effluent Quality Management Policy](#) and the MVLWB/GNWT [Guidelines for Effluent Mixing Zones](#). The information required in an EQC Report will vary depending on the size and type of project, and applicants should consult Appendix 2 of the *Guidelines for Effluent Mixing Zones* for more details. When an EQC Report is required, applicants should also consult the Guidelines to decide whether they will propose a regulated mixing zone for their project. Section 6 of the Guidelines describes the kinds of information that an applicant should submit with any proposal for a mixing zone.

#### Aquatic Effects Monitoring Program

A draft Aquatic Effects Monitoring Program (AEMP) must be submitted with any type A mining/milling or oil/gas application package and may be required for other projects where potential effects on the aquatic receiving environment have been identified. More information is available in the MVLWB/GNWT [Guidelines for Aquatic Effects Monitoring Programs](#).

### **Application Form Item 9: EXISTING WATER USERS AFFECTED BY THIS PROJECT**

Prior to submitting an application, applicants must contact existing water users in the project area to ensure they are informed of the proposed project, and to identify potential impacts of the project on existing water use(s). If the project will adversely affect water use, compensation or a compensation agreement may be required before the Board can issue a licence.<sup>21</sup> For all applications, the Board will set a deadline for submitting notices of compensation claims<sup>22</sup>; however, in order to avoid delays in the licensing process, applicants are strongly encouraged to identify and address compensation prior to submitting an application.

Applicants should provide names and locations for each person/organization contacted, and describe contact efforts, possible claims for compensation, and compensation agreements. An additional table should be added for each water user.

### **Application Form Item 10: POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROJECT AND PROPOSED MITIGATIONS**

All applicants must identify and describe all potential impacts and proposed mitigations for the proposed activities. Applicants for type A licences must fill out the detailed Impact-Mitigation Table in [Appendix F](#); other applicants may choose to use either the simplified Table in the Application Form, or the detailed Table in [Appendix F](#), unless the Board provides specific direction on which Table the applicant must use. Note these Tables are not exhaustive and not all impacts in the Tables will apply to all projects. All information provided should reflect the size, scale, and nature of the proposed project. Cumulative impacts and climate change must be considered.

For the identified potential impacts, describe proposed mitigations, including environmental management systems, treatment systems, and monitoring programs, and explain how the potential effects of climate change were considered. Indicate whether any of the mitigation measures have been developed as a result of input from affected parties and identify any best practices or guidance documents that will be used. In many cases, appropriate mitigations have been developed and approved by the Boards in the form of standard conditions (see Standard [Land Use Permit](#) and [Water Licence](#) Conditions Templates). Applicants are encouraged to consult these standard conditions and utilize them in proposed mitigations where appropriate.

Applicants may also need to provide more detailed information in management plans attached to the Application Form. This may include:

- Water and Wastewater Management Plan
- Erosion and Sediment Control Plan
- Dust Monitoring and Management Plan
- Geochemical Characterization and Management Plan
- Explosives Management Plan

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<sup>21</sup> See paragraphs 26(5)(a) and (b) of the [Waters Act](#), and paragraphs 72.03(5)(a) and (b)), subsection 72.05(1), and sections 77 and 79 of the [MVRMA](#).

<sup>22</sup> This date is generally the same date as public review comments are due.

- Emergency Response and/or Preparedness Plan
- Other project-specific plans

Generally, the type of activity will dictate which supporting documents are required. See [section 3.3](#) for more information.

Information about potential impacts and proposed mitigations will be used in the preliminary screening of the project and/or to develop water licence conditions. If seeking an exemption from preliminary screening for part or all of the project (e.g., the project has already been screened or has undergone an EA or EIR), describe supporting rationale. If only part of the project may be exempt, describe any proposed changes, as well as associated impacts and proposed mitigations. For more information about preliminary screenings, see [section 4.2](#).

Further information on potential impacts is also available in the Review Board's [Environmental Impact Assessment Guidelines](#) and [Socio-Economic Impact Assessment Guidelines](#).

#### Spill Contingency Plan

All applicants must describe spill contingency planning. Most applicants must attach a Spill Contingency Plan developed in accordance with the INAC [Guidelines for Spill Contingency Planning](#). Municipal applicants should use the MVLWB/GNWT [Operations and Maintenance Template for Municipal Water Licences: Spill Contingency Plan](#). For small-scale projects, spill contingency information can be described in the grey field provided in the Application Form; this information will be considered equivalent to a Spill Contingency Plan. The Plan will require approval from the Board (either at issuance, or following issuance if revisions are required).

### **Application Form Item 11: NAME AND CONTACT INFORMATION – CONTRACTORS AND SUB-CONTRACTORS**

Provide the names, responsibilities, and contact information for all contractors and sub-contractors involved in the project. An additional table should be added for each contractor and sub-contractor.

### **Application Form Item 12: STUDIES UNDERTAKEN TO DATE**

Provide a list of studies that have been undertaken to date to support the proposed project and where possible, include a copy of each study. This may include baseline data studies, traditional knowledge studies, studies or data supporting proposed treatment technologies or mitigation measures, and/or feasibility studies. For projects that require an AEMP as part of the application, baseline aquatic studies should be included in the AEMP (see [Item 8](#)) but can be listed here.

### **Application Form Item 13: PROPOSED PROJECT SCHEDULE AND TERM**

Indicate the proposed start and completion dates for the project and list any anticipated periods of temporary closure or seasonal shutdown. Explain any variations over the life of the project, including during closure and reclamation (see [Item 14](#)). For type A licence applications, include a project schedule

indicating key milestones and estimated timelines. Note that type A licences may be issued for the life of a project, but the maximum term for a type B licence is 25 years.<sup>23</sup>

#### **Application Form Item 14: ADDITIONAL SUPPORTING INFORMATION**

Information required for this section can be included in the grey field provided on the Application Form; any attachments should be identified/referenced.

##### Engagement

Prior to submitting an application package, applicants must identify and contact any other parties potentially affected by the project, such as Indigenous governments/organizations, individuals occupying the land for traditional purposes, private landowners, lease holders (e.g. lodges, cabins, other licensees and permittees), and communities. Because lease-holder information is private, applicants should contact GNWT-Lands (non-federal areas) or CIRNAC (federal areas) for assistance in notifying lease holders. Applicants may also contact LWB staff for assistance in obtaining contact information and developing a list of minimum engagement requirements based on the proposed project location; however, it is the applicant's responsibility to ensure they have identified and contacted all potentially affected parties.

All new water licence application packages must include both an Engagement Record and an Engagement Plan. The Board's expectations regarding engagement with potentially affected parties, and the development of an Engagement Record and Plan, is set out in the MVLWB [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). Templates for the Engagement Record and Plan are provided in the Guidelines. Copies of engagement materials (e.g. correspondence, information provided to parties) do not need to be provided but may be requested by the Board at any point.

Any application for a major mining project (as defined in the [Tłjcho, Land Claims and Self-Government Agreement](#))<sup>24</sup> in Mq̄whì Gogha Dè Nìł ı̀t̄hèè must meet the requirements set out in the Agreement before the Board can issue a licence. Applicants must contact the Tłjchq̄ Government for more information (see [Appendix D](#) for contact information) well in advance of submitting their application.

##### Eligibility

A water licence does not give the licensee the legal right to access, possess, or occupy the land – this right must be obtained from the appropriate landowner. Prior to applying, applicants must contact the landowner to determine what, if any, interests and/or rights of access are required. Include a copy of the authorization (e.g. licence of occupation, lease, access authorizations, etc.) with the application. Please refer to the Maps page<sup>25</sup> on any of the Boards' websites for assistance in identifying landowners. Contact information for landowners is provided in [Appendix D](#).

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<sup>23</sup> See subsection 26(2) and paragraph 36(1)(a) of the [Waters Act](#), and section 72.03(2) and paragraph 72.12(1)(a)() of the [MVRMA](#).

<sup>24</sup> "Major mining project" is defined in the [Tłjcho, Land Claims and Self-Government Agreement](#) as:

"a project, wholly or partly in Mq̄whì Gogha Dè Nìł ı̀t̄hèè (NWT), related to the development or production of minerals, other than specified substances, oil or gas, that will employ an average of at least 50 persons annually for the first five years in Mq̄whì Gogha Dè Nìł ı̀t̄hèè (NWT) and for which more than \$50 million (1998\$) will be expended in capital costs."

<sup>25</sup> See Maps webpages: [GLWB](#), [MVLWB](#), [SLWB](#), [WLWB](#).

It is also the responsibility of the applicant to be aware of and comply with all other legal requirements (e.g., applicable legislation) within the jurisdiction in which the project activities will occur. Prior to applying, applicants should contact federal and territorial governments, Indigenous governments/organizations, and other parties to determine what other appropriate rights, authorizations, permissions, dispositions, and contracts may be required. In order to avoid delays following licence issuance, the applicant should obtain, or be in the process of obtaining, any additional requirements prior to submitting the application package. Please refer to [Appendix E](#) for a list of other potential authorizations that may be required.

### Land Use Plans

Three land use plans are approved in the Mackenzie Valley: the [Gwich'in Land Use Plan](#), [Sahtu Land Use Plan](#), and [Tłjcho, Land Use Plan](#). These Plans outline what types of activities should occur, where they generally should take place, and the conditions necessary to guide land use proposals and development projects over time.

Where an approved Land Use Plan applies, the Board must confirm conformity with the applicable Land Use Plan in order to issue a water licence.<sup>26</sup> To inform the Board's decision, the water licence application must include a Land Use Plan Conformity Table or statement that demonstrates how the proposed project meets the conformity requirements of the applicable Plan.

Applicants are encouraged to approach the applicable Land Use Planning Board or the Tłjcho Government's Department of Culture and Lands Protection, as the case may be, prior to submitting a water licence application to the Board. If requesting exemptions or exceptions from specific conformity requirements, a copy of the Land Use Planning Board or Tłjcho Government's decision on the exemption, exception, amendment, or variance must be included in the application package.

### Traditional (Environmental) Knowledge (TEK/TK)

For projects located in the Sahtu, TEK/TK must be submitted with the application package. In other management areas, the Boards strongly encourage applicants to submit TEK/TK with their application package.

### Facilities

Include or attach the following information for any applicable project activities or structures:

Table 1. Additional Activity and Structure-Specific Information Requirements <sup>27</sup>	
Project Activity or Structure	Supporting Information Requirements
Dam	<ul style="list-style-type: none"> <li>a plan showing the length, height, cross-sections and elevations of the dam and the location and preliminary designs of spillways, canals, sluice pipes and any other outlet works, and</li> </ul>

<sup>26</sup> See section 61 of the [MVRMA](#) and the [Tłjcho Land Claims and Self-Government Agreement](#).

<sup>27</sup> See subsection 5(2) of the [Waters Regulations](#) and subsection 6(2) of the [MVFAWR](#).

	<ul style="list-style-type: none"> <li>• data respecting the type and composition of the material to be used in the construction of the dam</li> </ul>
Storage Reservoir	<ul style="list-style-type: none"> <li>• an estimate of the number of hectares of land to be flooded, the surface area, in hectares, of the reservoir when filled and the contemplated total storage capacity of the reservoir, and</li> <li>• a plan showing representative cross-sections of the reservoir</li> </ul>
Watercourse Crossing	<ul style="list-style-type: none"> <li>• a plan of the crossing showing cross-sections and elevations,</li> <li>• a description of the existing bed and banks of the watercourse, and</li> <li>• the available data on the water flow of the watercourse</li> </ul>
Municipality, Camp, or Lodge	<ul style="list-style-type: none"> <li>• a plan showing the location of the camp or lodge or the location, area and boundaries of the municipality or settlement,</li> <li>• an indication of the approximate capacity of the camp or lodge or population of the municipality or settlement, and</li> <li>• a plan of the intended water or sewage system, showing cross-sections and elevations</li> </ul>
Industrial or Mining and Milling	<ul style="list-style-type: none"> <li>• a description of the undertaking and of all wastes produced and chemicals used in the operation of the undertaking</li> </ul>
Deposit of Waste	<ul style="list-style-type: none"> <li>• the location, rate, timing, frequency, and duration of the deposit,</li> <li>• the anticipated constituents of the deposit and the concentration of the constituents,</li> <li>• the methods proposed for the storage and treatment of the waste, and</li> <li>• an assessment of the qualitative and quantitative effects on the waters into which the waste is to be deposited</li> </ul> <p>(Note that this information should be included in the waste management description or Waste Management Plan.)</p>
Handling or Storage of Petroleum Products or Hazardous Wastes	<ul style="list-style-type: none"> <li>• a plan for their safe handling, storage, and disposal, and</li> <li>• a contingency plan for the containment and cleanup of those products and materials in the event of a spill</li> </ul> <p>(Note that this information should be included in the spill planning description or Spill Contingency Plan.)</p>

### Closure and Reclamation

Describe closure and reclamation plans for the project, including any temporary closure(s) and seasonal shutdowns. For most applicants, this should be attached in a conceptual Closure and Reclamation Plan, developed in accordance with the MVLWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#). A template is provided in the Guidelines. While the Guidelines were developed for mineral exploration and mining, the information is applicable to other types of projects. For small-scale projects, closure and reclamation plans can be described in grey field on the Application Form.

Municipal applicants must provide closure and reclamation planning information in the required Operations and Maintenance Plans, and should refer to Environment and Climate Change Canada's [Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document](#).



### Closure Cost Estimate

In most cases, the Boards will require a licensee to post a security deposit following licence issuance.<sup>28</sup> The Board will set the amount of security based on the estimated costs of closing and reclaiming the project site, and the applicant's proposed closure plans for the project. To inform the Board's decision, the applicant must develop a closure cost estimate to include in the application package, and should work with the landowner (e.g., the GNWT, CIRNAC, or other landowners) in developing the estimate.

Guidance on developing a closure cost estimate is available in the MVLWB/GNWT/INAC [Guidelines for Closure and Reclamation Cost Estimates for Mines](#). While these Guidelines were primarily developed for mining and advanced mineral exploration, the processes and expectations described in the Guidelines are generally applicable to all projects that require a water licence. The Boards encourage applicants to contact LWB staff to commence the conversation on the closure cost estimate prior to submitting an application (see [Appendix A](#) for contact information). LWB staff can assist in determining which closure-cost-estimate template<sup>29</sup> is most suited to the activities being applied for.

If water licence and land use permit applications are being submitted together, the closure cost estimate should include a break-down of costs for water-related activities and land-related activities. If the project includes activities in both non-federal and federal areas, the closure cost estimate must be broken into two components, reflecting activities specific to the non-federal and federal areas.

### Financial Capacity

Before issuing a water licence, the Board must be satisfied that an applicant has adequate finances for completing the project (including mitigations) and for closing and restoring the site.<sup>30</sup> To assist the Board in making this determination, applicants should include information about financial capacity with the application package.

### **Application Form Item 15: FEES**

All applicants, except the GNWT and the federal government, must pay the \$30.00 application fee. For mining and milling, industrial, power, agricultural, and miscellaneous projects that require a licence, applicants and licensees are also required to pay water use fees (even if the water use volumes are less than the thresholds outlined in [section 2.1](#) of this Guide). No water use fees are required for municipal, conservation, or recreational projects, and in most cases, federal and territorial governments do not pay water use fees.

When water use fees are required, the fees for the first year's activities must accompany the application. Water use fees for subsequent years are to be paid on or before the anniversary date of the issuance of the licence in advance of using the water.

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<sup>28</sup> It is Board policy not to require security from federal, territorial, and community governments. Crown corporations will typically not be required to post security; however, it will depend on the nature of the relationship between the corporation and the government, which must be assessed on a case-by-case basis.

<sup>29</sup> Closure-cost-estimate templates are available on each Board's website on the Apply for Permit/License page: [GLWB](#); [MVLWB](#); [SLWB](#); and [WLWB](#).

<sup>30</sup> See paragraph 26(5)(d) of the [Waters Act](#) and paragraph 72.03(5)(d) of the [MVRMA](#).

To calculate water use fees, applicants must use the [water use fee calculator](#) that was developed by Aboriginal Affairs and Northern Development Canada (AANDC). The first year's water use fees are calculated based on the volume of water specified in the application; in subsequent years, water use fees are based on the volume of water authorized by the licence, not on the amount of water actually used. Accordingly, applicants should be clear about proposed volumes and timing of water use over the life of the proposed project.<sup>31</sup> Once the licence is issued, the applicant will receive a refund if the deposit for the first year's fees was greater than what is required (i.e., the water use authorized in the licence is less than what was applied for).

All application fees are payable to the Receiver General for Canada. Water use fees are payable to the GNWT in non-federal areas and to the Receiver General for Canada in federal areas. [Fee payment information](#) is available on the Boards' websites, and more information about water use fees is available in the MVLWB [Water Use Fee Policy](#).

All fees should be mailed to the Board as soon as possible when an application package is submitted; applications cannot be deemed complete until the fees, or proof that the fees have been sent, are received by the Board. Fees must be received prior to issuance of a licence.

#### **Application Form Item 16: SIGNATURE**

Please ensure an original signature is included from the applicant (as identified in [Item 1](#)). Print the applicant's full name before signing and dating the Application Form. Initials are not sufficient. Documents can be submitted electronically by scanning the signature page or by including an electronic signature as per the MVLWB [Document Submission Standards](#).

### **3.3 Application Package Checklist**

As described in section 3.2, applicants must submit various documents in support of an application. The number and type of supporting documents depends on the nature and scale of the proposed project. The following table lists the requirements for each project type and can be used as a checklist for completing an application package. **The Boards will only process applications that are complete, so all required information must be submitted.**

Applicants that are seeking exemption from preliminary screening for some or all of the project activities should ensure this is described in the covering letter and in the Application Form (see [Item 10](#) in section 3.2). See [section 4.2](#) for more information about preliminary screenings and exemptions.

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<sup>31</sup>The calculator also calculates fees in cases where the licensee is authorized to use water for only a portion of the year.



**Table 2: Application Package Checklist**

<input checked="" type="checkbox"/> Required <input type="checkbox"/> May be Required - Not Applicable	Type of Project					Section in this Guide
	Industrial	Mining and Milling	Municipal (Including Camps and Lodges)	Power	Agricultural, Conservation, Recreation, & Miscellaneous	
Application Form	●					<a href="#">3.2</a>
<b>ATTACHMENTS</b>						
Proof of Registration/Incorporation	○ (Required for companies)					<a href="#">3.2, item 2</a>
Maps	●	●	○	●	●	<a href="#">3.2, item 3</a>
GIS Data	●	●	○	●	●	<a href="#">3.2, item 3</a>
Municipal Licence Questionnaire	-	-	○ (New licences only)	-	-	<a href="#">3.2, item 4</a>
Project-Specific Information Requirements	○	○	○	○	○	<a href="#">3.2</a>
Water and Wastewater Management Plan	○	○	-	-	○	<a href="#">3.2, item 7</a>
Waste Management Plan	● (Small-scale projects may include information in the Application Form) (Municipal applicants will include this information in O&M Plans)					<a href="#">3.2, item 8</a>
Rock (Waste Rock and Ore) Management Plan	○	○	-	-	○	-
Tailings Management Plan	○	○	-	-	○	-
Landfill Management Plan	○	○	-	○	○	-
Hydrocarbon-Contaminated Soil Treatment Facility Management Plan	○	○	○	-	○	-
Operations and Maintenance Plans	○	○	●	○	○	<a href="#">3.2, item 8</a>
Effluent Quality Criteria Report	○	○	○	○	○	<a href="#">3.2, item 8</a>
Mixing Zone Information	○	○	○	○	○	<a href="#">3.2, item 8</a>
Off-Site Disposal Agreement	○ (Required if off-site disposal proposed)					<a href="#">3.2, item 8</a>

Aquatic Effects Monitoring Program Design Plan	● (Type A) ○ (Type B)	● (Type A) ○ (Type B)	-	○	○	<a href="#">3.2, item 8</a>
Erosion and Sediment Control Plan	○	○	-	○	○	-
Dust Monitoring and Management Plan	○	○	-	○	○	-
Geochemical Characterization and Management Plan	-	○	-	-	○	-
Explosives Management Plan	-	○	-	-	○	-
Emergency Response/Preparedness Plan	○	○	○	○	○	-
Spill Contingency Plan	● (Small-scale projects may include information in the Application Form) (Municipal applicants will include this information in O&M Plans)					<a href="#">3.2, item 10</a>
Studies Undertaken to Date	○	○	○	○	○	<a href="#">3.2, item 12</a>
Engagement Plan and Record	●	●	○	●	●	<a href="#">3.2, item 14</a>
Authorization from Landowner	●	●	-	●	●	<a href="#">3.2, item 14</a>
Other Authorizations	○	○	○	○	○	<a href="#">3.2, item 14</a>
Land Use Plan Conformity Table/Statement	○	○	○	○	○	<a href="#">3.2, item 14</a>
Traditional (Environmental) Knowledge	○ (Required for all SLWB applications)					<a href="#">3.2, item 14</a>
Closure and Reclamation Plan	● (Small-scale projects may include information in the Application Form) (Municipal applicants will include this information in O&M Plans)					<a href="#">3.2, item 14</a>
Closure Cost Estimate	● (Not required for government and municipal applicants)					<a href="#">3.2, item 14</a>
Financial Information	●	●	○ (Camps and lodges)	●	●	<a href="#">3.2, item 14</a>
<b>FEES</b>						
Application Fees	●					<a href="#">3.2, fees</a>
Water Use Fees (not applicable to territorial and federal government applicants in most cases)	●	●	-	●	● (Agricultural and Miscellaneous only)	

The Boards have guidelines for the development of Engagement Plans, Waste Management Plans, Spill Contingency Plans, Aquatic Effects Monitoring Programs, and Closure and Reclamation Plans as noted in section 3.2. The Boards also provide templates for municipal Operation and Maintenance Manuals. For any other required plans, see the general MVLWB [Standard Outline for Management Plans](#).

Any plans or manuals that are submitted with the application should include a version number. The first version of any plan or manual submitted to the Board should be Version 1.0. For amendment or renewal applications, the applicant may reference previous version of plans available on the Board's public registry if no changes are proposed. If new versions of previously submitted plans are included with renewal or amendment applications, the version number will depend on the status of the previous version of the plan.

If more than one application is being submitted for a proposed project (e.g., licence and permit applications, or licence applications for both non-federal and federal areas), one version of supporting documents, such as engagement and management plans, can be prepared and submitted for both applications.

## 4 Regulatory Process for a Water Licence Application

The Board is required to make a decision on a type A or a type B water licence application within **nine months, excluding applicant time**, after the application has been deemed complete.<sup>32</sup> If the water licence application is accompanied by a land use permit application, the Board will typically process these applications together. Any time that the applicant is providing information required by the Board (e.g., responses to review comments, information requests, interventions, etc.), or the project is undergoing an EA, EIR, or an examination of impacts on the environment that stands in lieu of an EIR, is not counted as part of the nine-month time period.<sup>33</sup>

The processes for type A and B water licence applications are summarized in the flowcharts in Figures 1 and 2 below. The flowcharts do not include every step in the process – for more information about process steps and timelines, see the detailed descriptions in sections 4.1 to 4.8, and the work plans in [Appendix G](#).

Note that the Review Board and other organizations have the authority to refer a project to EA even if the Board determines that one is not necessary.<sup>34</sup> Following the Board’s decision on a preliminary screening, there is a ten-day pause period before the Board will issue the licence, which allows these organizations time to review the Board’s decision and consider whether to refer the project to EA if the Board has not. If no other organizations refer the project to EA during this period, the Board will issue the licence after the pause period is complete.<sup>35</sup> For licence applications, the Board will usually make the preliminary screening decision early in the regulatory process; and if so, there will be no pause period following the Board’s issuance decision. Applicants should be aware, however, that if the preliminary screening decision is made at the same time as the issuance decision, the licence will not be issued, and project activities cannot commence, until the pause period has concluded, and no other organizations have referred the project to EA.

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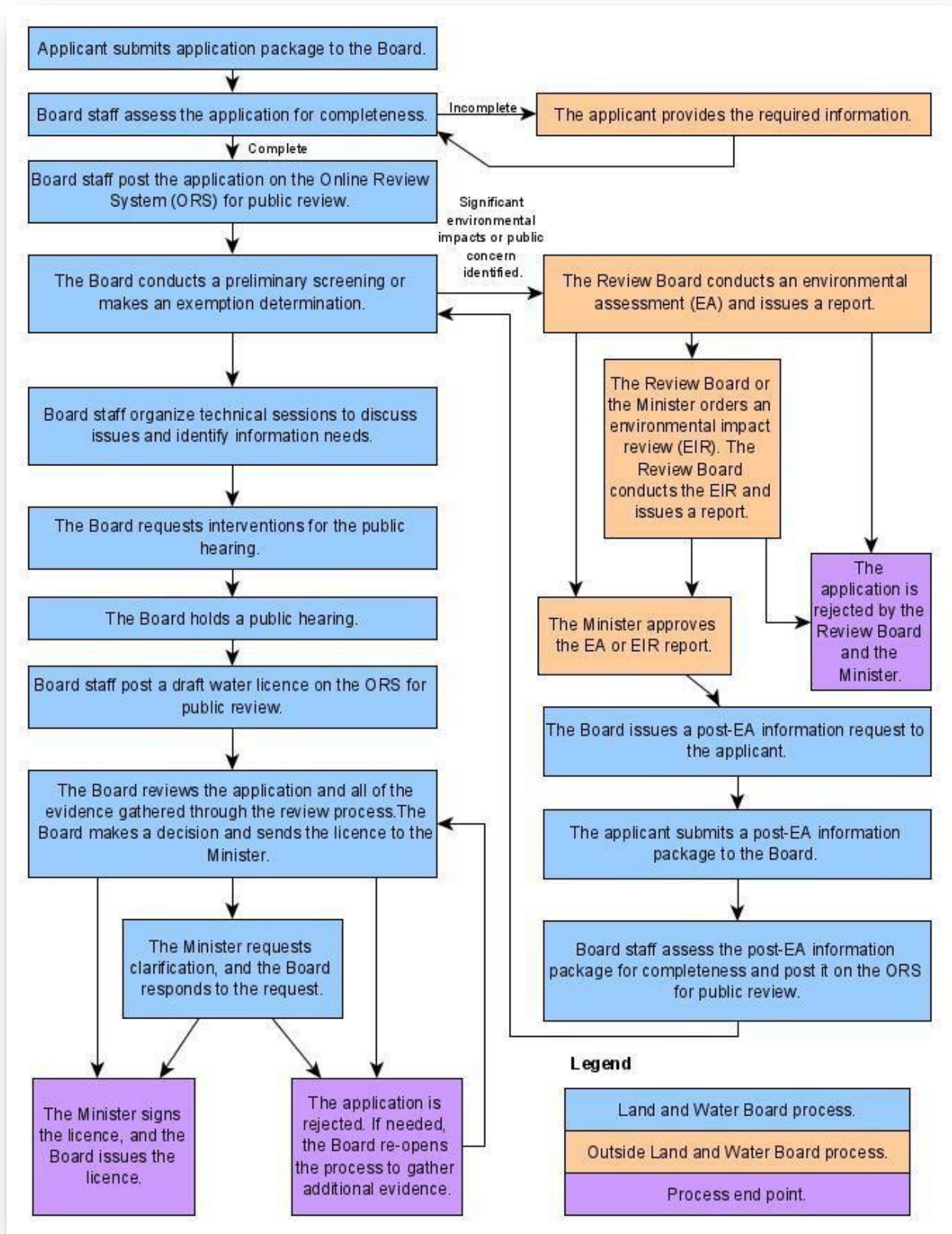
<sup>32</sup> See subsections 47(1) and 48(1) of the [Waters Act](#), and sections 72.18 and 72.19 of the [MVRMA](#).

<sup>33</sup> See section 50 of the [Waters Act](#), and subsections 72.22(1) and 72.22(2) of the [MVRMA](#).

<sup>34</sup> See subsections 126(2) and 126(3) of the [MVRMA](#).

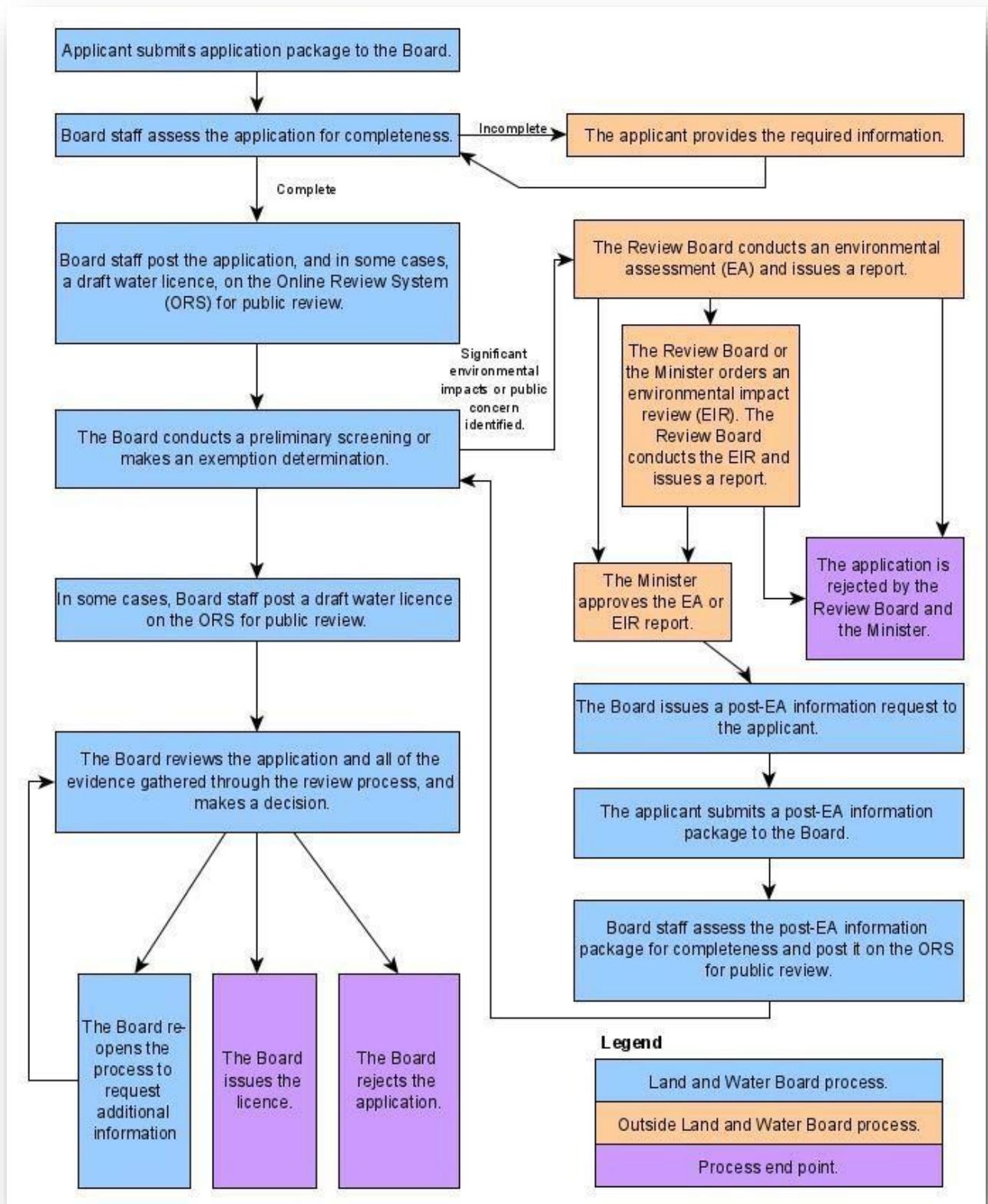
<sup>35</sup> For more information, see subsections 125(1.1), (1.2), (3), and (4) of the [MVRMA](#), and the Review Board’s [Reference Bulletin: The Ten-Day Pause Period for Preliminary Screenings](#). During the pause period, the Board could issue a licence that would not come into effect until after the pause period; however, to avoid confusion, especially in the event that a referral is made during the pause period, the Board will not issue the licence during the pause period.

**Figure 1: Regulatory Process for Type A or Type B Water Licence with a Public Hearing**





**Figure 2: Regulatory Process for Type B Water Licence with no Public Hearing**



## 4.1 Public Review

When the Board receives a water licence application, LWB staff conduct a completeness check to ensure all of the components of the application package have been submitted and conform to Board policies and guidelines (see [section 3.3](#) above). If the application is not complete, LWB staff will contact the applicant with a list of the additional information required. **The Board will not begin the regulatory process until the application is complete.**

Once the application has been deemed complete, it is posted to the Board's public registry, and distributed for public review through the Board's [Online Review System](#) (ORS). For type A licence applications, and sometimes for type B applications, the Board will also develop a work plan for the licensing process. The work plan is typically distributed with the application for a short public review period before being finalized.

The distribution list for an application is based on the location of the project and will include:

- affected communities and Indigenous governments/organizations;
- landowners;
- appropriate departments and agencies of the federal and territorial governments;
- Renewable Resource Boards;
- departments and agencies with responsibilities for heritage resources;
- the Review Board; and
- other interested parties (e.g., companies, businesses, or individual members of public, civic, or social organizations who have indicated an interest in the potential project).

The distribution list for the application is available on the ORS Item for Review.

Applicants and reviewers must be registered to be able to participate in ORS public reviews. New users can register on the ORS [Log In](#) webpage. For more information on registering and using the ORS, please see the [User Manual](#), or contact LWB staff for assistance (see [Appendix A](#) for contact information). Note that the Boards also accept review comments by mail, fax, or email, and LWB staff will post these comments to the ORS.

By submitting comments on the application (via the ORS or otherwise), reviewers become parties to the regulatory proceeding for the application and must abide by the MVLWB [Rules of Procedure](#).

The Board must allow a reasonable period for reviewers to provide comments to the Board with respect to the application and draft licence. Review periods may vary depending on the scope, scale, and location of a proposed project. The applicant will always be provided an opportunity to respond to reviewer comments following the public review deadline. Please see the table in [Appendix G](#) for more information about typical timelines.

Late submissions will generally not be accepted or be considered by the Board in making a decision unless an extension has been granted. Extension requests, with rationale, must be submitted to the Board in

writing prior to the submission deadline.<sup>36</sup> If an extension is granted, all parties will be notified of the extension and any resulting changes to the work plan.

## 4.2 Preliminary Screening and Environmental Assessment

Before the Board can issue a water licence, the proposed project must meet the requirements of Part 5 of the [MVRMA](#), which establishes the Review Board and the environmental impact assessment process. Unless the project is exempt, this means that a preliminary screening, EA, or EIR for the project needs to be completed.

The first step in the established environmental impact assessment process is a preliminary screening to determine whether the project might have significant adverse impact on the environment or might be a cause for public concern. The preliminary screening is the Board's mechanism for referring the project to EA if necessary, and the Board will conduct a preliminary screening prior to issuing a licence. When conducting the screening, the Board will take into consideration all of the information provided by the applicant and reviewers.

A project, or specific project activities, may be exempt from screening under the [Exemption List Regulations](#); under section 157.1 of the [MVRMA](#); or for national security or emergency purposes. If the project, or specific project activities, could be exempt for any of these reasons, the Board will need to make an exemption confirmation. For projects that have previously been screened or undergone an EA or EIR, in a covering letter attached to the application package, applicants should clearly explain why the project, or parts of the project, should be exempt. Any changes to the project may need to be screened and could be referred to EA.

The Board will make the screening determination and/or exemption confirmation as soon as adequate information is available, which can be at any point prior to the Board's issuance decision, but the Board will usually try to complete this as early in the process as possible. Based on the screening, the Board will decide whether to continue the licensing process or refer the project to the Review Board for an EA. Note that if the Board decides not to refer the project to EA, it can still be referred by the Review Board or by other parties.<sup>37</sup>

Following the Board's decision on a preliminary screening, the decision is forwarded to the Review Board, and a ten-day pause period begins, allowing the Review Board and other referral organizations a formal period to review the Board's decision and consider whether to refer the project to EA if the Board has not. If no other organizations refer the project to EA during this period, the Board will issue the licence after both the regulatory process and the pause period are complete.<sup>38</sup> For licences, the Board often makes its

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<sup>36</sup> See the MVLWB [Rules of Procedure](#).

<sup>37</sup> See subsections 126(2) and 126(3) of the [MVRMA](#) for a list of organizations that can refer projects to the Review Board. Applicants should be aware that these organizations can make a referral before or after the Board has completed its preliminary screening, including after the ten-day pause period.

<sup>38</sup> For more information, see subsections 125(1.1), (1.2), (3), and (4) of the [MVRMA](#), and the Review Board's [Reference Bulletin: The Ten-Day Pause Period for Preliminary Screenings](#). During the pause period, the Board could issue a licence that would not come into effect until after the pause period; however, to avoid confusion, especially in the event that a referral is made during the pause period, the Board will not issue the licence during the pause period.



preliminary screening determination earlier in the regulatory process, and if so, there will be no pause period after the Board makes its issuance decision.

If a project (or part of a project) is referred to the Review Board for an EA, the licensing process for the application is put on hold until the EA is complete. After the EA is complete, and the Minister has released a decision on the Report of EA, the Board will send the applicant an information request outlining the information that must be included in the applicant's post-EA information package. The information request will be project-specific and reflect EA measures and changes to the project. If the applicant decides to change the project following the completion of the EA, the post-EA information package should highlight the proposed changes, since the changes will need to undergo a preliminary screening.

Once a complete post-EA information package has been received, the Board will recommence the licensing process.

For more information about preliminary screenings and EAs, please refer to the Review Board's [Environmental Impact Assessment Guidelines](#).

### **4.3 Technical Session**

During a type A water licensing process, the Board typically holds at least one technical session. Type B water licensing processes often do not include a technical session, but a technical session or a short workshop may be added to help resolve any major issues. The purpose of the technical session is to provide a forum for discussion amongst all parties, with the aim of resolving issues prior to the public hearing. The subject material varies and is based on the questions raised during the public review. Technical sessions are less formal than public hearings, and the Board members are not present. Technical sessions will be recorded, and the Board will post a transcript of the technical session to the public registry.

### **4.4 Information Requests**

Information requests (IRs) may be issued at any point during a proceeding in order to resolve outstanding issues or obtain information required to prepare the water licence. IRs can be issued by the Board to a party, or by one party to another party; however, IRs issued from one party to another party must be in accordance with Board direction and must be filed with the Board. IRs cannot be issued to the Board; if a Board determination is required, a request for ruling must be submitted to the Board.<sup>39</sup>

During technical sessions, IRs are often developed to identify areas where additional information is needed but cannot be provided during the technical session. These IRs are finalized and issued at the end of the technical session. Timelines for responding to these IRs are established in the work plan for the proceeding.

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<sup>39</sup> See the MVLWB [Rules of Procedure](#) for more information on IRs.

## **4.5 Public Hearing**

A public hearing provides all parties to the proceeding with a chance to present evidence and express views directly to the Board regarding an application. Prior to the hearing, a pre-hearing conference will be held to provide clarification on the hearing process and logistics, and to identify potential topics that may be discussed at the hearing. Parties are not required to formally confirm their participation in the public hearing at this time and may use the pre-hearing conference as an opportunity to help determine whether they will intervene (actively participate) in the hearing.

Following the pre-hearing conference, parties that wish to intervene in the hearing will submit written interventions,<sup>40</sup> which present their position and/or recommendation(s) on the issues, with supporting evidence and rationale. The Board always provides the applicant an opportunity to provide a written response to the interventions prior to the hearing.

Based on their intervention, the applicant and each intervener will prepare a presentation for the hearing. Public hearing presentations cannot contain or reference any new materials/evidence that were not presented earlier in the proceeding or in the interventions. At the hearing, the applicant and all interveners then have the opportunity to present in person, and to ask questions of each other.

The hearing is a formal process, governed by the MVLWB [Rules of Procedure](#). Translation is provided at hearings as necessary, and transcripts of the hearing are posted to the Boards' public registry. During the public hearing, if the Board identifies additional information required to complete the licensing process, the Board may request one or more parties to submit this information during the hearing, or within a set time period after the hearing. Such a submission is called an undertaking.

## **4.6 Draft Water Licence**

Following the application review (type B) or the public hearing (type A or B), LWB staff prepare a draft water licence and distribute it for public review and applicant response. If the draft licence is circulated after the public hearing, comments on the draft cannot include new evidence (i.e., any information that is not already on the public record for the application).

## **4.7 Closing Arguments**

Following the hearing and the review of the draft licence, all parties and the applicant are provided an opportunity to submit written closing arguments, which are the final submissions for the proceeding. Because closing arguments are submitted after the hearing, they cannot include new evidence (i.e., any information that is not already on the public record for the application).

## **4.8 Issuing the Water Licence**

The Board reviews all evidence on the record, finalizes the water licence, and prepares reasons for decision to explain how the evidence was considered and the rationale for the conditions in the licence. In the case of a type A water licence (or if a public hearing is held for a type B licence), the Board sends

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<sup>40</sup> According to the MVLWB [Rules of Procedure](#), an intervener can be a person or an organization.

the licence to the Minister for approval before issuing the final water licence. The licence, reasons for decision, and all correspondence with the Minister are posted to the public registry.

Note that if the Board makes its preliminary screening determination at the same time as its issuance decision for a type B licence with no public hearing, the ten-day pause period will come into effect after the Board forwards its decision to the Review Board (see [section 4.2](#)). If no other organizations refer the project to EA during the ten-day pause period, the Board will issue the licence after the pause period is complete.

Following issuance, any security required must be posted and accepted in accordance with licence conditions prior to commencing project activities. The Board will include instructions on posting security in its issuance decision letter. The Board's decision letter may also contain direction regarding any other licence conditions that must be met prior to the commencement of activities.

The licensee should be aware that the licence will be in force as of the effective date set out on the cover page of the licence, even if the licensee does not commence activities until a later date.

## 5 Post-Issuance

### 5.1 Inspections

Inspections of projects operating under both type A and B water licences are conducted by territorial or federal Inspectors.<sup>41</sup> These inspections are undertaken throughout the life of the project and at the conclusion of the project to evaluate compliance with legislation, regulations, and the conditions of the licence. Inspection reports are provided to the licensee and the Board and may require the licensee to undertake and report on corrective actions. Non-compliance may also result in temporary or complete shutdown of the operations through a suspension or cancellation of the water licence by the Board, or an activity cessation order by the Inspector. If a licensee is found guilty of an offence under the [MVRMA](#) or [Waters Act](#), they may be fined and/or may be subject to imprisonment.<sup>42</sup>

### 5.2 Plans, Manuals, Reports, and Other Submissions

Water licence conditions may require various submissions (including new or revised versions) to the Board, either for approval by the Board or for information purposes. Where an identical submission (e.g., a Waste Management Plan) is required by both a licence and a permit for the same project, one document can be submitted to satisfy both authorizations. Licensees should refer to the MVLWB [Document Submission Standards](#) and [Standard Outline for Management Plans](#) when preparing these submissions.

Prior to making submissions to the Board, licensees must ensure that they have conducted engagement as described in their approved Engagement Plan.

When submitting management plans, manuals, and programs, licensees should include a version number. Reports generally do not require a version number, though a date should be included, especially where the report is for a recurring purpose (e.g. Annual AEMP Report). Numbering will depend on the reason for the submission. Version 1.0 will always be the first iteration of a plan (often submitted with the application). Version 1.1 (and any subsequent versions of Version 1.0) would result from Board direction on Version 1.0 (e.g., clarifications or corrections provided in response to review comments). Once the Board has approved Version 1.0 (as 1.0, 1.1 or 1.2, etc.), the next update to the document would be Version 2.0 – generally when the licensee submits an updated plan as required by licence conditions (e.g., to reflect proposed changes, or as the result of an annual review of a plan). To avoid confusion about which version is being considered by the Board at a given time, subsequent versions should only be submitted as directed by the Board or the licence conditions – licensees should not submit new versions in direct response to review comments or during a proceeding. When in doubt, please contact LWB staff prior to making a submission (see [Appendix A](#) for contact information).

Following licence issuance, licensees should use and maintain the specific names of plans and other submissions as set out in the licence conditions. This avoids confusion in terms of licence compliance, document history tracking, and public registry organization.

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<sup>41</sup> GNWT-ENR (in non-federal areas) or CIRNAC (in federal areas), respectively.

<sup>42</sup> For more information about offences and penalties, see sections 70-99 of the [Waters Act](#) and sections 92-93 of the [MVRMA](#).

All submissions will be posted on the public registry, and submissions that require approval from the Board will be posted on the ORS for public review. After the public review period, the licensee is provided with an opportunity to respond, and the review comments and responses are then provided to the Board for its consideration. In some cases, the Board may conduct a workshop (or may direct the licensee to conduct a workshop) in accordance with commitments made during the licensing process, or to resolve major issues raised during the public review.

If the Board determines that the submission meets the water licence requirements, and any issues raised during the review are resolved, the Board approves the submission. If the Board determines that the submission does not satisfy water licence requirements, or issues raised during the review period are not adequately resolved, the Board notifies the licensee that the submission needs to be revised or that further information is required, and indicates when a revised version is to be submitted.

When proposing changes to the project, the licensee should consider how the proposed changes will affect any submissions required under the licence, and whether the proposed changes have undergone preliminary screening or EA/EIR. As per standard licence conditions, revised submissions must be submitted and approved (if applicable) prior to implementing any changes to operations. Note that if major changes to activities, facilities, or operations are set out in revised submissions, the Board will review the preliminary screening to determine whether the proposed changes need to be screened. If the changes must be screened, or changes to the licence scope or conditions are required, an amendment process will be required (see [section 6.1](#) below).

### **5.3 Seasonal/Temporary Closure**

Temporary closure is a state of care and maintenance, where the licensee intends to resume activities in the near future. The closure could be seasonal, planned, or unanticipated, and could be a partial or site-wide closure. Temporary closure should be addressed in the Closure and Reclamation Plan, which should set out how the licensee will maintain the programs and facilities necessary to protect humans, wildlife, and the environment. If regular seasonal shutdowns are described in the application package, specific conditions regarding seasonal shutdowns may be included in the licence.

Prior to initiating the temporary shutdown or closure, the licensee must notify the Board and the Inspector. This notification should identify all licences and permits that will be affected by the closure. The licensee must also notify the Board and the Inspector prior to resuming project activities.

During the closure, the licensee is expected to continue to conduct environmental monitoring and reporting, and to ensure that adequate staff and resources are available to look after the site. Generally, during the closure period, the licensee must:

- Submit Annual Water Licence Reports to provide updates for the public record;
- Pay annual water use fees;
- Conduct SNP and other monitoring as set out in the licence or in approved plans or programs;
- Submit revised plans, manuals, programs, etc. if needed to reflect reduced or suspended operations;
- and

- Apply for amendments to submission dates, SNP monitoring, or other licence conditions if not planning to meet requirements.

Annual Water Licence and SNP reports should indicate that no work was done during the closure period(s), and volume reporting should be zero if appropriate.

In some cases, depending on the size and nature of the project, and the expected length of the closure, the Board may also request a care and maintenance plan, periodic updates, or other project-specific items.

#### **5.4 Licence Expiration and Closure**

A licensee cannot continue project activities under an expired or cancelled licence; however, neither expiration nor cancellation of a licence is equivalent to closing a licence. At this time, the legislation does not describe a closure process for licences, and the Boards are continuing to work with other parties to address this gap. Further information will be added to this Guide when it becomes available.

Prior to licence expiry, the licensee should contact the Inspector to discuss final inspections. If the licensee has not applied to renew the licence, and outstanding issues and/or liabilities are identified, the Board may initiate a renewal process in the public interest.<sup>43</sup>

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<sup>43</sup>See subparagraph 36(1)(a)(ii) of the [Waters Act](#) and subsection 71.12(1) of the [MVRMA](#).

## 6 Other Types of Applications and Requests

After a water licence is issued, the licensee can apply to:

- Amend the water licence ([section 6.1](#));
- Renew the water licence ([section 6.2](#));
- Assign the water licence to another party ([section 6.3](#)); or
- Cancel the water licence ([section 6.6](#)).

A licensee can also request changes to submission deadlines, schedules, or surveillance network programs ([section 6.5](#)).

Prior to submitting any of these applications or requests to the Board, the licensee must ensure that they conduct engagement as described in their approved Engagement Plan. In most cases, an Engagement Record should be submitted with the application or request. Please refer to the MVLWB [Engagement and Consultation Policy](#) and [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#) for engagement requirements for these applications and requests.

Further information about these types of applications and requests is set out in the following sections.

### 6.1 Amendments

An amendment is a change to the conditions and/or the scope of an existing water licence to reflect changes to project activities or new project activities. New activities that exceed licensing criteria but are part of the same project usually require amendments rather than a separate new licence; however, if the new activities are located on a different land type than the existing activities (specifically, federal versus non-federal areas), a new licence will be required.

Changes to compliance dates, schedules, and surveillance network programs are usually directly addressed through standard licence conditions (often located in Part B of the licence) and are not considered amendments. Additionally, although security amounts may be adjusted as part of an amendment process, security adjustments that are initiated independently under specific licence conditions are not considered amendments.

To request an amendment, the licensee must submit an application package with the following information:

- A complete Application Form (the same form as for new applications);<sup>44</sup>
- The application fee of \$30;
- A description of the nature of the amendment;
- The definition(s)/condition(s)/portion of scope that the licensee wishes to amend (if known);
- The reasons for the amendment;

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<sup>44</sup>The Application Form can be found on each Board's website on the Apply for Permit/Licence page: [GLWB](#), [MVLWB](#), [SLWB](#), and [WLWB](#).

- Rationale for why the amendment could be considered exempt from preliminary screening (if applicable);
- An Engagement Record for the amendment;
- A Land Use Plan Conformity Table or statement for the amendment;
- Updated versions of any documents required by the licence that may be affected by the amendment (e.g., Spill Contingency Plan, Waste Management Plan, Engagement Plan, etc.) (see [section 5.2](#));
- References to documents that have not changed;
- Water use fees for any additional volumes of water proposed to be used as described in the amendment application; and
- An updated closure cost estimate (if applicable).

Applicants should contact LWB staff to determine whether it would be useful to submit a draft licence (based on the MVLWB [Standard Water Licence Conditions Template](#)) as part of the amendment application package.

An amendment application may require a preliminary screening, unless the activities or changes proposed in the application have been previously screened or have been subject to an EA/EIR (see [section 4.2](#) for more information about preliminary screenings). The licensee should submit sufficient information in the amendment application for the Board and reviewers to understand the potential impacts and mitigations measures associated with the proposed changes, and whether the proposed changes could be exempt from screening.

The Boards' process for amendments is very similar to the process for new water licence applications, but timelines may be shorter, depending on the complexity of the proposed amendments. Note that public hearings are mandatory for type A water licence amendments if changes to water use, flow, or quality are proposed. The Board may also hold a hearing for any other type of amendment if needed.<sup>45</sup>

## 6.2 Renewals

For previously licensed projects, water licences can be renewed an unlimited number of times, even if the previous licence has expired. Type A licence renewals can be issued for the life of project, and type B renewals can be issued for a maximum of 25 years.<sup>46</sup>

In order to operate continuously and maintain any legacy use exemptions from Land Use Plan requirements, licence holders must apply for a renewal well before the water licence expires. The Boards strongly recommend that the licensee submit their renewal application at least one year in advance for a type A licence, and at least nine months in advance for a type B licence. The renewal licence will typically come into effect on the day after the expiry of the current licence; if the licensee wants the renewal licence to replace the current licence prior to expiry of the current licence (for example, if the renewal application also includes proposed amendments), the licensee must also apply to cancel the existing licence (see

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<sup>45</sup> See paragraphs 41(1)(a) and (b), and 41(2)(b) of the [Waters Act](#), and paragraphs 72.15(1)(a) and (b), and 72.15(2)(b) of the [MVRMA](#).

<sup>46</sup> See paragraph 36(1)(a) of the [Waters Act](#) and subparagraph 72.12(2)(a)(i) of the [MVRMA](#).



[section 6.5](#)). This allows the Board to process both applications together. Licensees are encouraged to contact LWB staff well in advance of submitting their renewal application.

Applications for renewals are very similar to new applications and are submitted using the same form with the same fees and information requirements (see [section 3](#) of this Guide):

- A complete Application Form (the same form as for new applications);<sup>47</sup>
- The application fee of \$30;
- The length of time requested for the renewal;
- Rationale for why the renewal, or parts of the renewal, could be considered exempt from preliminary screening (if applicable);
- An Engagement Record for the renewal;
- A Land Use Plan Conformity Table or statement for the renewal;
- Updated versions of any documents required by the licence that may be affected by the renewal (e.g., Spill Contingency Plan, Waste Management Plan, Engagement Plan, etc.) (see [section 5.2](#));
- References to documents that have not changed;
- Water use fees for any additional volumes of water proposed to be used as described in the renewal application;
- An updated closure cost estimate (if applicable); and
- Any other information that would support the renewal request, including the status of the project.

Applicants should contact LWB staff to determine whether it would be useful to submit a draft licence (based on the MVLWB [Standard Water Licence Conditions Template](#)) as part of the renewal application package.

Renewal applications can include changes to the project; however, before the Board can issue a water licence, including renewals, the proposed project must meet the requirements of Part 5 of the [MVRMA](#), which means that a preliminary screening, EA, or EIR for the proposed activities needs to be completed. Previously-licensed activities that have already undergone an EA process established by the [MVRMA](#), the *Canadian Environmental Assessment Act*, or the *Environmental Assessment Review Process Guidelines Order* may be exempt from further screening. Applicants should clearly explain why the project, or parts of the project, should be exempt in a covering letter attached to the application. This explanation should include confirmation that the project has not been modified (see [Exemption List Regulations](#)), or was licensed prior to June 22, 1984 and falls under section 157.1 of the [MVRMA](#). Any changes to the project may need to be screened and could be referred to EA.

Renewal applications are processed like new applications, with similar timelines (see [section 4](#) of this Guide). Like new licences, the Board is required to hold a public hearing for all type A applications and may hold a hearing for type B applications.<sup>48</sup>

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<sup>47</sup> The Application Form can be found on each Board's website on the Apply for Permit/Licence page: [GLWB](#), [MVLWB](#), [SLWB](#), [WLWB](#).

<sup>48</sup> See paragraphs 41(1)(a) and 41(2)(a) of the [Waters Act](#), and paragraphs 72.15(1)(a) and 72.15(2)(a) of the [MVRMA](#).

### Short-term Renewals (<60 days)

If the licensee is applying for a short-term renewal of 60 days or less with no changes to the project, a public hearing is not required, and the regulatory process can be expedited.<sup>49</sup> This type of renewal may be necessary when delays in the regulatory process for a longer-term renewal are expected or encountered – for example, the licensee needs to complete studies or additional public engagement in support of the renewal application, or the regulatory process is delayed due to special circumstances. In this case, the licensee will need to submit an application package with the following information:

- A complete Application Form (the same form as for new applications);<sup>50</sup>
- The application fee of \$30;
- The reason for the short-term renewal;
- The length of time requested for the renewal (60 days maximum);
- An Engagement Record for the renewal; and
- Any other information that would support the renewal request, including the status of the project.

The licensee must not propose changes to the project as part of a short-term renewal application, and licence conditions will not change.

## **6.3 Assignments and Name Changes**

### Assignments

The holder of an existing water licence (assignor) may apply to transfer the rights associated with their water licence to a new party (assignee), even if the licence has expired. Prior to applying, it is very important that assignee understands that in accepting the assignment of a water licence, they accept responsibility for:

- Meeting all the conditions of the water licence, including payment of water use fees and security, which must be posted with the landowner before the assignee can commence activities; and
- **All liabilities** incurred as a result of the assignor's actions to date under the water licence.

Licensees should also ensure that the assignment is reflected in any other authorizations issued by other organizations.

The assignment application package must be submitted at least 45 days prior to the proposed assignment date and must include:

- A complete Assignment Application Form, signed by both the assignor and the assignee;<sup>51</sup>
- The application fee of \$30;<sup>52</sup>
- An Engagement Record for the assignment;

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<sup>49</sup> See paragraph 41(3)(b) of the [Waters Act](#) and paragraph 72.15(3)(b) of the [MVRMA](#)

<sup>50</sup> The Application Form can be found on each Board's website on the Apply for Permit/Licence page: [GLWB](#), [MVLWB](#), [SLWB](#), [WLWB](#).

<sup>51</sup> The Assignment Application Form can be found on each Board's website on the Apply for Permit/Licence page: [GLWB](#), [MVLWB](#), [SLWB](#), [WLWB](#).

<sup>52</sup> As per section 3 of the [Waters Act](#) and section 7 of the [MVRMA](#), the GNWT and the federal government do not pay assignment fees for licences.

- If the assignee is a company, proof the company is eligible to conduct business in the NWT (i.e., current Certificate of Registration from GNWT [Corporate Registries](#)); and
- Proof of financial capacity (see [section 3.2, item 14](#)).

If the assignment includes multiple authorizations, note that there are separate Assignment Application Forms and fees for licences and permits, and the application fee is required for each authorization that will be assigned. Licensees with multiple authorizations are encouraged to clearly state which of their active authorizations they are applying to assign, and if applicable, to provide rationale for why others should not be assigned.

The assignee will be required to post security with the landowner prior to the commencement of activities. When issuing the assignment, the Board will review, and possibly revise, the security requirements under the existing licence. To assist this review, the assignee may wish to submit a current closure cost estimate with the application.

The assignment application will be exempt from preliminary screening. If the assignee intends to propose changes to the project or the licence, the assignment must be completed first, and then the assignee will be eligible to apply for amendments to the licence, which may need to be screened (see [section 4.2](#) for more information about preliminary screening).

The Board's process for assignments includes a public review and is the same as for new applications (see [section 4](#)); however, timelines may be shorter in some cases.

If the water licence assignment is not approved, the original licensee remains responsible for all liabilities under the water licence.

### Name Changes

A name change is when a corporate entity changes the name of its company, which is different than assigning a licence to another company. If the licensee is performing a simple name change, the licensee must submit a letter of request and a certificate of name change from GNWT [Corporate Registries](#). (Note that name change documentation from other provinces is not sufficient.) If the name change affects multiple authorizations, the licensee should identify all of the affected authorizations in the letter.

There are no fees or applications forms for name changes, and engagement is not required. Name change requests are not circulated for public review before being considered by the Board.

Licensees must also ensure that the name change is reflected in security documents and any other authorizations issued by other organizations.

## 6.4 Modifications<sup>53</sup>

Small changes to project structures that do not alter the purpose or function of the structure, and do not include expansion of the structure, may be considered modifications in some existing licences. Modifications can be carried out without Board approval if the conditions set out in the licence are met; however, the licensee is still required to submit a notification to the Board in advance of carrying out the proposed modification, and the notification will be reviewed by the Board. If the proposed modification does not meet all of the licence conditions, it will require Board approval before the licensee can proceed.

The modification notice should include:

- A description of the proposed modification(s);
- A description of why the proposed modifications are needed;
- An explanation of why the proposed changes should be processed as a modification;
- Design drawings, where appropriate (e.g., if an engineered structure is being modified, or the proposed modifications are designed by an engineer);
- A schedule for implementing the proposed changes; and
- Written authorization from an Inspector.

If any plans or manuals are affected by the proposed changes, the licensee should submit revised versions of the plans or manuals.

Modification notices are usually distributed for public review before being reviewed by the Board. The Board will provide a response to the modification notice, which may include acknowledgement that the licence conditions have been met; additional information requests; notification that the proposed changes cannot be processed as a modification; or other direction from the Board.

## 6.5 Requests to Change Submission Deadlines, Schedules, or Surveillance Network Programs

Standard licence conditions usually allow the Board to update submission deadlines, schedules, and surveillance network programs without conducting an amendment process; however, the licensee should always refer to the specific conditions set out in their licence.

If a submission deadline is set out in licence conditions or in a Board decision letter, the licensee can submit a written request to the Board to change the submission deadline. The written request should be submitted at least 90 days in advance of the submission deadline and must include rationale for the proposed change and a description of any implications for other licence requirements. Requests to change submission deadlines will usually be distributed for public review before being considered by the Board. If the Board approves the proposed change(s), the Board will issue an updated licence.

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<sup>53</sup> Conditions regarding modifications are not part of the [Standard Water Licence Conditions Template](#) and will not be included in new licences issued by the Board following the publication of the Template. All changes must be proposed through revisions to relevant submissions (see [section 5.2](#)).

A licensee can also submit a written request to change the schedules or the surveillance network program associated with the licence. The request should be submitted at least 90 days in advance of the proposed implementation date and should include detailed rationale for the proposed changes, and as well as any supporting documentation or information. If possible, the licensee should include a draft of the schedule or surveillance network program, showing the proposed changes. Prior to submitting the request to the Board, the licensee should ensure that they have conducted engagement as described in their approved Engagement Plan.

The request will be distributed for public review before being reviewed by the Board. If the proposed changes are complex, a technical session or workshop may be required. If the Board approves the proposed change(s), the Board will issue an updated licence. Note that if the proposed changes affect conditions in the body of the licence, an amendment process may be required (see [section 6.1](#) of this Guide).

There are no application fees associated with these types of requests.

## 6.6 Cancellations

A licensee may apply to cancel the operation at any time prior to the licence expiry date,<sup>54</sup> however, cancelling a licence is not equivalent to closing a licence (see [section 5.4](#) for more information about closing a licence).

There is no application form for cancellations; however, the licensee must submit a written application to the Board, including:

- The reason for the cancellation request;
- The application fee of \$30;
- A description of the proposed closure and reclamation activities that will take place prior to cancellation; and
- An Engagement Record for the cancellation request.

The description of proposed closure activities should reflect the closure and reclamation requirements of the licence. For small projects, a description of the planned closure and reclamation activities may be adequate; however, if the licence conditions include a requirement for a Closure and Reclamation Plan, the Plan must be included in the cancellation application. If an approved Closure and Reclamation Plan is in place, and no changes are proposed, the licensee can reference the Plan, but must include an updated schedule for ceasing operations and conducting the approved closure and reclamation activities. If no approved Closure and Reclamation Plan is in place, the cancellation application must include a Plan (or revised Plan), which will be circulated for review with the application. If closure and reclamation has already been completed, a final Reclamation and Completion Report and Performance Assessment Report may be required.

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<sup>54</sup> See paragraph 36(1)(c) of the [Waters Act](#) and 72.12(1)(c) of the [MVRMA](#).

All cancellation applications will undergo a public review process. Cancellation of a type A water licence requires a public hearing. Applications for type B licence cancellations do not require a public hearing unless the Board determines that one is necessary.<sup>55</sup>

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<sup>55</sup> See subsections 41(1 and 2) of the [Waters Act](#) and subsections 72.15(1 and 2) of the [MVRMA](#).

## Appendix A – Land and Water Board Contact Information

For more information, please contact:



Gwich'in Land and Water Board

[www.glwb.com](http://www.glwb.com)

867-777-4954



Mackenzie Valley Land and Water Board

[www.mvlwb.com](http://www.mvlwb.com)

867-669-0506



Sahtu Land and Water Board

[www.slwb.com](http://www.slwb.com)

867-598-2413



Wek'èezhìi Land and Water Board

[www.wlwb.ca](http://www.wlwb.ca)

867-765-4592



## Appendix B – Description of Undertakings<sup>56</sup>

TYPE	FILE CODE	DESCRIPTION
Industrial	L1	Any industrial undertaking other than mining and milling, including manufacturing processes, hydrostatic testing, fluming, the exploration for, and production and transportation of oil and gas, cooling systems, food processing, tanneries, smelters, sawmills, pulp mills, metal finishing and tailings reprocessing
Mining and Milling	L2	Operation of a mine within the meaning of the <i>Canada Mining Regulations</i> or the <i>Territorial Coal Regulations</i> , and any milling related thereto
Municipal	L3	Any activity (a) in a municipality, or in a settlement comprising a multiplicity of residential units, that uses only a municipal water and sewage system, including domestic, horticultural, fire protection, commercial or industrial activities, or (b) in a camp or lodge
Agricultural	L4	Authorized hydro or geothermal electrical generation of: <ul style="list-style-type: none"> <li>• Class 0 - 150 or fewer kilowatts</li> <li>• Class 1 - more than 150 kW but less than 5,000 kW</li> <li>• Class 2 - more than 5,000 kW but less than 10,000 kW</li> <li>• Class 3 - more than 10,000 kW but less than 20,000 kW</li> <li>• Class 4 - more than 20,000 kW but less than 50,000 kW</li> <li>• Class 5 - more than 50,000 kW but less than 100,000 kW</li> <li>• Class 6 - 100,000 or more kW</li> </ul>
Agriculture	L5	Nourishing crops or providing water for livestock
Conservation	L6	Construction of works for the preservation, protection, or improvement of the existing natural environment
Recreation	L7	A commercial or public recreational development
Miscellaneous	L8	Any other undertaking <sup>57</sup>

<sup>56</sup> Disclaimer: If there is a discrepancy between the information provided in this Appendix and the Regulations, then the Regulations prevail. (See the [Waters Regulations](#) and the [MVFAWR](#).)

<sup>57</sup> Note that this category includes mineral exploration.

## Appendix C – Water Licensing Criteria<sup>58</sup>

### For Industrial Undertakings

ACTIVITY	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE A LICENCE	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE B LICENCE
Direct water use <sup>59</sup> in respect of:		
a) Oil and gas exploration	None	Use of 100 m <sup>3</sup> or more per day
b) Any other industrial undertaking	Use of 300 m <sup>3</sup> or more per day	Use of 100 m <sup>3</sup> or more per day and less than 300 m <sup>3</sup> per day
Watercourse crossings, including pipelines, bridges, and roads	None	Construction of a structure across a watercourse 5 or more metres wide at ordinary high-water mark at point of construction
Watercourse training including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	None	All watercourse training that involves: <ul style="list-style-type: none"> <li>a) Watercourses with continuous flow;</li> <li>b) Watercourses 5 or more metres wide at ordinary high-water mark at point of training;</li> <li>c) Infilling of a watercourse with inflow and/or outflow and a surface area greater than 0.5 ha; or</li> <li>d) Removal or placement of greater than 100 m<sup>3</sup> of material.</li> </ul>
Flood Control	None	Construction of a permanent in-stream structure
Diversions	None	All diversions more than 2 m wide at ordinary high-water mark at point of diversion
Alteration of flow or storage by means of dams or dykes	All other alterations or storage	Off-stream storage of a quantity of water greater than 2,500 m <sup>3</sup> and less than 60,000 m <sup>3</sup>
Deposit of waste in conjunction with:		
a) Oil and gas exploration	Deposit of drill waste in a manner other than to a sump	Deposit of drill waste to sump
b) Oil and gas production, processing, and refining	All deposits of waste	None
c) Quarrying and gravel washing	None	Deposits of waste in conjunction with quarrying below ordinary high-water mark or deposit of waste in conjunction with quarrying above high-water mark

<sup>58</sup> Disclaimer: If there is a discrepancy between the information provided in this Appendix and the Regulations, then the Regulations prevail. (See the [Waters Regulations](#) and the [MVFAWR](#).)

<sup>59</sup> Not including water taken from an artificial reservoir with no natural inflow.

ACTIVITY	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE A LICENCE	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE B LICENCE
		where there is a direct or indirect deposit of waste to surface water
d) Hydrostatic testing	None	Any deposit of waste associated with cleaning or testing of used storage tanks or pipelines
e) Cooling, or	None	Any deposit of biocides or conditions
f) Other industrial undertakings	None	All

## For Mining and Milling Undertakings

ACTIVITY	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE A LICENCE	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE B LICENCE
Direct water use	Use of water for milling at a rate of 100 or more tonnes of ore per day or use of water for production leaching	Use of less than 100 tonnes of ore per day, use of water for leaching other than production leaching or use of 100 m <sup>3</sup> or more per day for undertakings other than milling or production leaching <sup>60</sup>
Watercourse crossings, including pipelines, bridges, and roads	None	Construction of a structure across a watercourse 5 or more metres wide at ordinary high-water mark at point of construction
Watercourse training including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	None	All watercourse training that involves: a) Watercourses with continuous flow; b) Watercourses 5 or more metres wide at ordinary high-water mark at point of training; c) Infilling of a watercourse with inflow and/or outflow and a surface area greater than 0.5 ha; or d) Removal or placement of greater than 100 m <sup>3</sup> of material.
Flood Control	None	Construction of a permanent in-stream structure
Diversions	None	All other diversions more than 2 m wide at ordinary high-water mark at point of diversion
Alteration of flow or storage by means of dams or dykes	All other alterations or storage	Off-stream storage of a quantity of water greater than 2,500 m <sup>3</sup> and less than 60,000 m <sup>3</sup> , or in-stream storage of a quantity of water less than 60,000 m <sup>3</sup>
Deposit of waste in conjunction with:		

<sup>60</sup> Not including water taken from an artificial reservoir with no natural inflow.

ACTIVITY	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE A LICENCE	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE B LICENCE
a) placer mining, or	None	Any deposit of waste in conjunction with mechanized in-stream placer operations or with any operations where chemical additives are used
b) other mining and milling	Deposits of waste from milling at a rate of 100 tonnes or more of ore per day	Any direct or indirect deposit of waste to surface waters, or any deposit of waste from milling at a rate of less than 100 tonnes or ore per day

## For Municipal Undertakings

ACTIVITY	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE A LICENCE	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE B LICENCE
Direct water use <sup>61</sup>	Use of 2,000 m <sup>3</sup> or more per day	Use of 50 m <sup>3</sup> or more per day, and less than 2,000 m <sup>3</sup> per day.
Watercourse crossings, including pipelines, bridges, and roads	None	Construction of a structure across a watercourse 5 or more metres wide at ordinary high-water mark at point of construction
Watercourse training including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	None	All watercourse training that involves: a) Watercourses with continuous flow; b) Watercourses 5 or more metres wide at ordinary high-water mark at point of training; c) Infilling of a watercourse with inflow and/or outflow and a surface area greater than 0.5 ha; or d) Removal or placement of greater than 100 m <sup>3</sup> of material.
Flood Control	None	Construction of a permanent in-stream structure
Diversions	None	All other diversions more than 2 m wide at ordinary high-water mark at point of diversion
Alteration of flow or storage by means of dams or dykes	All other alterations or storage	Off-stream storage of a quantity of water greater than 2,500 m <sup>3</sup> and less than 60,000 m <sup>3</sup> , or in-stream storage of a quantity of water less than 60,000 m <sup>3</sup>
Deposit of waste in conjunction with:		
a) municipalities or settlements	Any deposit of waste by means of a sewage collection or treatment system serving a population of 2,000 or more	Any deposit of waste by means of sewage collection or treatment system serving a population of between 50 and 2,000

<sup>61</sup> Not including water taken from an artificial reservoir with no natural inflow.

ACTIVITY	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE A LICENCE	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE B LICENCE
b) camps or lodges	None	Any deposit of waste by a camp or a lodge with capacity of more than 50 occupants per day or any direct or indirect deposit of waste to surface waters



## For Power Undertakings

ACTIVITY	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE A LICENCE	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE B LICENCE
Direct water use	Classes 1 through 6	Class 0
Watercourse crossings, including pipelines, bridges, and roads	None	Construction of a structure across a watercourse 5 or more metres wide at ordinary high-water mark at point of construction
Watercourse training including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	None	All watercourse training that involves: a) Watercourses with continuous flow; b) Watercourses 5 or more metres wide at ordinary high-water mark at point of training; c) Infilling of a watercourse with inflow and/or outflow and a surface area greater than 0.5 ha; or d) Removal or placement of greater than 100 m <sup>3</sup> of material.
Flood Control	None	Construction of a permanent in-stream structure
Diversions	None	All other diversions more than 2 m wide at ordinary high-water mark at point of diversion
Alteration of flow or storage by means of dams or dykes	All other alterations or storage	Off-stream storage of a quantity of water greater than 2,500 m <sup>3</sup> and less than 60,000 m <sup>3</sup> , or in-stream storage of a quantity of water less than 60,000 m <sup>3</sup>

## For Agricultural, Conservation, Recreational and Miscellaneous<sup>62</sup> Undertakings

ACTIVITY	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE A LICENCE	WATER USE AND DEPOSIT OF WASTE REQUIRING A TYPE B LICENCE
Direct water use <sup>63, 64</sup>	Use of 300 m <sup>3</sup> or more per day	Use of 100 m <sup>3</sup> or more per day, and less than 300 m <sup>3</sup> per day.
Watercourse crossings, including pipelines, bridges, and roads	None	Construction of a structure across a watercourse 5 or more metres wide at ordinary high-water mark at point of construction
Watercourse training including channel and bank alterations, culverts, spurs, erosion control, and artificial accretion	None	All watercourse training that involves: a) Watercourses with continuous flow; b) Watercourses 5 or more metres wide at ordinary high-water mark at point of training; c) Infilling of a watercourse with inflow and/or outflow and a surface area greater than 0.5 ha; or d) Removal or placement of greater than 100 m <sup>3</sup> of material.
Flood Control	None	Construction of a permanent in-stream structure
Diversion	None	All other diversions more than 2 m wide at ordinary high-water mark at point of diversion
Alteration of flow or storage by means of dams or dykes	All other alterations or storage	Off-stream storage of a quantity of water greater than 2,500 m <sup>3</sup> and less than 60,000 m <sup>3</sup> , or in-stream storage of a quantity of water less than 60,000 m <sup>3</sup>
Deposit of waste	None	Any deposit of waste

<sup>62</sup> Note that this category includes mineral exploration.

<sup>63</sup> Not including water taken from an artificial reservoir with no natural inflow.

<sup>64</sup> For undertakings in this category, a water licence is not required to use water for constructing an ice bridge if the water is withdrawn directly from the watercourse on which the ice bridge is being constructed.

## Appendix D – Contact Information for Landowners

### Tłjchq Lands

#### **Tłjchq Lands Protection Department**

Tłjchq Government  
Box 412  
Behchokq, NT X0E 1X0  
Phone: (867) 392-6381  
Fax: (867) 392-6406

### Gwich'in Private Lands

#### **Gwich'in Tribal Council**

Land Administration & Resource Management  
P.O. Box 1509  
Inuvik, NT X0E 1X0  
Phone: (867) 777-7900  
Fax: (867) 777-7919  
<https://gwichintribal.ca/>

### Sahtu

#### **Sahtu Secretariat Incorporated**

PO Box 105  
Déljñę, NT X0E 0G0  
Phone: 867-589-4719  
Fax: 867-589-4908  
<https://www.sahtu.ca/>

#### **Déljñę Got'jñę Government**

PO Box 156  
Déljñę, NT X0E 0G0  
Phone: (867) 589-4224  
Fax: (867) 589-4230  
<https://www.deline.ca/en/government/>

### GNWT-Administered/Controlled Areas

#### **GNWT – Department of Lands**

Box 1320  
Yellowknife, NT X1A 2L9  
Phone: (855) 698-5263  
Fax: (867) 669-0905  
<https://www.lands.gov.nt.ca/>

### Federal Areas

#### **Resource & Land Management**

#### **Crown-Indigenous Relations and Northern Affairs Canada**

P.O. Box 1500  
4th Floor, Gallery Building  
Yellowknife, NT X1A 2R3  
Phone: (867) 669-2522  
Fax: (867) 669-2700

## Appendix E – Other Potential Authorizations

The following guidance documents or websites list other potential authorizations for various activities:

Activity	Guidance Documents
Land Use Activities	MVLWB <a href="#">Guide to the Land Use Permitting Process</a>
All Projects Near Water	<a href="#">Fisheries and Oceans Canada - Review Information for Projects Near Water</a>
Mineral Exploration	<a href="#">Acquiring Mineral Rights in the Northwest Territories</a> <a href="#">GNWT Mining Recorder's Office</a>
Oil and Gas	<a href="#">Office of the Regulator of Oil and Gas Operations – Operating Requirements Page</a> <a href="#">National Energy Board - Applications and Filings Home Page</a>
All Projects	<a href="#">GNWT-ENR - Wildlife Management and Monitoring Plans</a>

Please note that the links above may not cover all of the authorizations that are required, and applicants are encouraged to contact the responsible authorities for more information:

Northern Projects Management Office: [NPMO's Services](#)

Fisheries and Oceans Canada: [Central and Arctic Region Offices](#)

Office of the Regulator of Oil and Gas Operations: [Contact Information](#)

National Energy Board: [Contact Information](#)

Transport Canada: [Navigable Waters Protection Program](#)

Parks Canada: [Contact Information](#)

Environment and Climate Change Canada: [Contact Information](#)

Government of the Northwest Territories – Environment and Natural Resources: [Permits and Licences](#)

Government of the Northwest Territories – Department of Infrastructure: [Contacts for Regional Offices for Highway Access Permit](#)

## Appendix F – Impact-Mitigation Table

Using the Impact-Mitigation Table below, identify all proposed activities, potential impacts, and possible mitigations that are relevant to the proposed project. Applicants for type A licences must fill out the detailed Table below; other applicants may choose to use either the simplified Table in the Application Form, or the detailed Table below, unless the Board provides specific direction on which Table the applicant must use. Note the Table is not exhaustive and not all impacts in the Table will apply to all projects. All information provided should reflect the size, scale, and nature of the proposed project. Cumulative impacts and climate change must be considered.

For the identified potential impacts, describe proposed mitigations, including environmental management systems, treatment systems, and monitoring programs, and explain how the potential effects of climate change were considered. Indicate whether any of the mitigation measures have been developed as a result of input from affected parties and identify any best practices or guidance documents that will be used. In many cases, appropriate mitigations have been developed and approved by the Boards in the form of standard conditions (see Standard [Land Use Permit](#) and [Water Licence](#) Conditions Templates). Applicants are encouraged to consult these standard conditions and utilize them in proposed mitigations where appropriate.

Further information on potential impacts is also available in the Review Board’s [Environmental Impact Assessment Guidelines](#) and [Socio-Economic Impact Assessment Guidelines](#).

ABIOTIC COMPONENTS			
Land			
Extent of land area to be disturbed (m <sup>2</sup> or ha)			
Are sensitive land features present? If so, indicate the type(s): karsts, eskers, ice patches, mineral licks, hot and warm springs, glacial refugia, other			
Extent of sensitive land areas to be disturbed (m <sup>2</sup> or ha)			
Potential Impacts	Activity <i>Use an “x” to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Soil contamination</li> <li>• Soil compaction</li> <li>• Destabilization/erosion</li> <li>• Change in soil structure</li> <li>• Inability to support</li> </ul>	Clearing of timber, brush, or vegetation mat		
	Stripping of overburden		
	Bulk soil sampling		
	Trenching, diamond drilling, geotechnical borehole drilling		

<ul style="list-style-type: none"> <li>vegetation</li> <li>Other</li> </ul>	Cut and fill		
	Oil and gas exploration well drilling		
	Directional drilling (underground)		
	On-site storage or disposal of wastes (domestic garbage, sewage, waste petroleum products, drilling waste and hydraulic flowback fluids, hazardous wastes, etc.)		
	Transfer, storage, and use of petroleum products and/or chemicals		
	Transfer, storage, and use of explosives		
	Use of fertilizers, pesticides, herbicides		
	Use of motorized and heavy equipment		
	Other		
	<b>Water</b>		
<b>Groundwater</b>			
Is groundwater present? If so, indicate the type(s): shallow, deep, fresh, saline			
<b>Potential Impacts</b>	<b>Activity</b> <i>Use an "x" to indicate which apply</i>	X	<b>Potential Project Impacts and Proposed Mitigations</b> <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>Water table alteration</li> <li>Infiltration changes</li> <li>Changes in water quality</li> <li>Temperature changes</li> <li>Other</li> </ul>	Withdrawal of groundwater		
	Trenching, diamond drilling, geotechnical borehole drilling		
	Installation of groundwater monitoring wells		
	Directional drilling (underground)		
	Oil and gas exploration well drilling		
	Clearing of timber, brush, or vegetation mat		
	Stripping of overburden		
	Transfer, storage, and use of petroleum products and/or chemicals		
	Other		
	<b>Permafrost</b>		
Is permafrost present? If so, indicate the type(s): continuous or discontinuous			
Extent of permafrost area to be disturbed (m <sup>2</sup> or ha)			

Potential Impacts	Activity <i>Use an "x" to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Loss or change in extent</li> <li>• Changes in seasonal fluctuations</li> <li>• Change in persistence</li> </ul>	Clearing of timber, brush, or vegetation mat		
	Stripping of overburden		
	Construction of structures (buildings, water or waste management facilities, etc.)		
	Construction (development or alteration: widening, straightening, detours), maintenance, and operation of lines, trails, or rights-of-way		
	Trenching, diamond drilling, geotechnical borehole drilling		
	Other		
<b>Surface Water</b>			
Is surface water present? If so, indicate the type(s): lake, river, stream, wetland (bog, marsh, swamp, fen), seasonal, year-round			
Potential Impacts	Activity <i>Use an "x" to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Water flow or level changes (permanent, temporary, seasonal)</li> <li>• Drainage pattern changes</li> <li>• Temperature changes</li> <li>• Changes in water quality</li> <li>• Wetland impairment</li> <li>• Changes to aquatic habitat (see Biotic section below)</li> <li>• Other</li> </ul>	Withdrawal of water from a watercourse		
	Retaining, storing, or diverting water		
	Construction and use of a watercourse crossing (bridge, ford)		
	Watercourse alteration (ditch construction, channelling, training, installation of culvert)		
	Construction of dams and impoundments		
	Direct or indirect disposal of waste into water		
	Clearing of timber, brush, or vegetation mat near a watercourse		
	Stripping of overburden adjacent to a watercourse		
	Excavation or stockpiling of earth or gravel adjacent to a watercourse		



	Use of motorized or heavy equipment adjacent to, within, or through a watercourse		
	Transfer, storage, and use of petroleum products and/or chemicals near a watercourse		
	Use of fertilizers, pesticides, or herbicides		
	Other		
<b>Air</b>			
If applicable, indicate the type(s) of air pollutants: aerosols, particulate matter, noxious gases, volatile organic carbons, hazardous air pollutants, dust, other			
Indicate the estimated maximum dispersal distance			
<b>Potential Impacts</b>	<b>Activity</b> <i>Use an "x" to indicate which apply</i>	X	<b>Potential Project Impacts and Proposed Mitigations</b> <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Changes in air quality</li> <li>• Harm to living things</li> <li>• Increased greenhouse gases</li> <li>• Other</li> </ul>	Burning of fossil fuels		
	Mobilization and operation of equipment for construction and operational activities		
	Release of underground gases		
	Increased road traffic		
	Other		
<b>BIOTIC COMPONENTS</b>			
<b>Vegetation</b>			
If vegetation will be removed or compacted, indicate type(s): trees, shrubs, thickets, muskeg, Species at Risk plants, may-be-at-risk plant species, other			
Extent of vegetation to be removed or compacted (m <sup>3</sup> or ha)			
<b>Potential Impacts</b>	<b>Activity</b> <i>Use an "x" to indicate which apply</i>	X	<b>Potential Project Impacts and Proposed Mitigations</b> <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Direct loss of vegetation</li> <li>• Loss of Species at Risk or may-be-at-risk plants</li> </ul>	Clearing of timber, brush, or vegetation mat		
	Stripping of overburden		
	Construction (development or		

<ul style="list-style-type: none"> <li>• Change in species composition</li> <li>• Introduction of non-native (invasive) species</li> <li>• Effects on plant health (dust, metals, toxins)</li> <li>• Increased risk of fire</li> <li>• Compaction of vegetation</li> <li>• Other</li> </ul>	alteration: widening, straightening, detours), maintenance, and operation of lines, trail, or rights-of-way		
	Construction of structures (buildings, water or waste management facilities, etc.)		
	Reclamation activities (levelling, contouring, placement of fines or woody debris, re-vegetation, fertilization)		
	Use of motorized and heavy equipment		
	Burning of fossil fuels		
	Increased road traffic		
	Transfer, storage, and use of petroleum products and/or chemicals		
	Excavation or stockpiling of earth and/or gravel		
	Other		
<b>Terrestrial Wildlife Habitat</b>			
If sensitive wildlife habitat is present, indicate type(s): Species at Risk (SAR), Canadian Important Bird Areas, migratory birds, keystone species, wildlife corridor			
Extent of sensitive wildlife habitat to be removed or disturbed (m <sup>3</sup> or ha)			
If wildlife habitat will be removed or disturbed, indicate type(s): ungulates, furbearers, carnivores, small mammals, birds, insects, sensitive wildlife habitat (as noted above)			
Extent of wildlife habitat to be removed or disturbed (m <sup>3</sup> or ha)			
<b>Potential Impacts</b>	<b>Activity</b> <i>Use an "x" to indicate which apply</i>	X	<b>Potential Project Impacts and Proposed Mitigations</b> <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Direct loss or removal of habitat, dens, or nests</li> <li>• Loss or removal of keystone species and/or SAR habitat</li> </ul>	Clearing of timber, brush, or vegetation mat		
	Stripping of overburden		
	Construction of structures (buildings, water or waste management facilities, etc.)		

<ul style="list-style-type: none"> <li>Fragmentation of wildlife corridor</li> <li>Direct injury or mortality</li> <li>Disturbances to key lifecycle stages: breeding, feeding, nesting, staging</li> <li>Effects on population abundance</li> <li>Change in species diversity</li> <li>Effects on wildlife health (toxins, metals, etc.)</li> <li>Changes to migratory movement patterns</li> <li>Changes to predator-prey relationships</li> <li>Human-wildlife conflicts</li> <li>Other</li> </ul>	Construction (development or alteration: widening, straightening, detours), maintenance and operation of lines, trails, or rights-of-way		
	Increased traffic risk to wildlife		
	Increased human presence		
	Noise (use of heavy equipment, blasting, crushing, drilling)		
	Transfer, storage, and use of petroleum products and/or chemicals		
	On-site storage or disposal of wastes (domestic garbage, sewage, waste petroleum products, drilling waste and hydraulic flowback fluids, hazardous wastes, etc.)		
	On-site disposal of domestic wastes (burning, burying)		
	Other		
<b>Aquatic Habitat</b>			
Indicate types of aquatic species: Species at Risk, fish, mammals (furbearers), amphibians, aquatic macroinvertebrates, insects, aquatic macrophytes			
Extent of aquatic habitat removed or disturbed for breeding, feeding, nesting, staging (m <sup>3</sup> or ha)			
<b>Potential Impacts</b>	<b>Activity</b> <i>Use an "x" to indicate which apply</i>	X	<b>Potential Project Impacts and Proposed Mitigations</b> <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>Breeding disturbances</li> <li>Change in species diversity</li> <li>Effects on health (toxins, metals, sediment, etc.)</li> <li>Changes to migratory movement patterns</li> <li>Changes to predator-prey relationships</li> <li>Effects on population abundance</li> <li>Change in species diversity</li> <li>Other</li> </ul>	Clearing of timber, brush, or vegetation mat near a watercourse		
	Stripping of overburden adjacent to a watercourse		
	Blasting near a watercourse		
	Construction and use of a watercourse crossing (bridge, ford)		
	Watercourse alteration (ditch construction, channelling, training, installation of culvert)		
	Use of motorized or heavy equipment adjacent to, within, or through a watercourse		
	Withdrawal of water from a watercourse		

	Retaining, storing, or diverting water		
	Construction of dams and impoundments		
	Direct or indirect disposal of waste into water		
	Other		
<b>CULTURAL COMPONENTS</b>			
<b>Wildlife Harvesting</b>			
Are harvesting areas present? If so, indicate type(s): Community Harvesting Areas, Special Harvesting Areas, Group Trapping Areas, etc.			
Extent of overlap of Project area with harvesting areas identified above (fish lakes, trapping or hunting areas) (m <sup>3</sup> or ha)			
<b>Potential Impacts</b>	<b>Activity</b> <i>Use an "x" to indicate which apply</i>	X	<b>Potential Project Impacts and Proposed Mitigations</b> <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Loss or reduction in game species populations</li> <li>• Effects on traditional land use, subsistence, and harvesting rights</li> <li>• Other</li> </ul>	Clearing of timber, brush, or vegetation mat		
	Stripping of overburden		
	Noise (use of heavy equipment, blasting, crushing, drilling)		
	Oil and gas exploration well drilling		
	Construction (development or alteration: widening, straightening, detours), maintenance and operation of lines, trails, or rights-of-way		
	Increased traffic risk to wildlife		
	Withdrawal of water from a watercourse		
	Direct or indirect disposal of waste into water		
	Other		
<b>Cultural Integrity and Heritage Resources</b>			
If present, indicate types: places of significant cultural or spiritual value, heritage sites, important subsistence and harvesting areas (group trapping areas, camps and, log and timber harvesting areas, berry picking and medicine plant gathering areas) , traditional trails, burial sites, sacred sites, archaeological or historic			

sites, artifacts and other objects of historical, cultural, or religious significance, historical or cultural records			
<b>Potential Impacts</b>	<b>Activity</b> <i>Use an "x" to indicate which apply</i>	X	<b>Potential Project Impacts and Proposed Mitigations</b> <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Change to or loss of cultural integrity</li> <li>• Change to or loss of traditional lifestyle</li> <li>• Change to or loss of heritage resources</li> <li>• Other</li> </ul>	Clearing of timber, brush, or vegetation mat		
	Noise (use of heavy equipment, blasting, crushing, drilling)		
	Construction of structures (buildings, water or waste management facilities, etc.)		
	Construction (development or alteration: widening, straightening, detours), maintenance and operation of lines, trails, or rights-of-way		
	Increased human presence		
	Withdrawal of water from a watercourse		
	Retaining, storing, or diverting water		
	Construction of dams and impoundments		
	Direct or indirect deposit of waste into water		
	Other		
<b>Social and Economic Well-being</b>			
<b>Potential Impacts</b>	<b>Activity</b> <i>Use an "x" to indicate which apply</i>	X	<b>Potential Project Impacts and Proposed Mitigations</b> <i>Using the list at left, describe the potential impact(s) of each identified Project activity and the proposed measure(s) to reduce each of these impacts.</i>
<ul style="list-style-type: none"> <li>• Increased human health hazard and risk</li> <li>• Economic opportunities or losses (employment, training)</li> <li>• Change in ecological, cultural, social, or economic values identified for protection in approved Land Use Plans</li> <li>• Impairment of the recreational</li> </ul>	Noise (use of heavy equipment, blasting, crushing, drilling)		
	Transfer, storage, and use of petroleum products and/or chemicals		
	On-site storage or disposal of wastes (domestic garbage, sewage, waste petroleum products, drilling waste and hydraulic flowback fluids, hazardous wastes, etc.)		

<p>or traditional uses of the land or water</p> <ul style="list-style-type: none"> <li>• Impairment of the aesthetic quality of the land or water</li> <li>• Changes to the use of the area by other non-Indigenous people (e.g. trappers, outfitters, residents, hunters, forest harvesters, other authorized projects)</li> <li>• Other</li> </ul>	Construction (development or alteration: widening, straightening, detours), maintenance and operation of lines, trails, or rights-of-way		
	Construction of structures (buildings, water or waste management facilities, etc.)		
	Increased human access and presence		
	Operating in a remote location inaccessible or not easily accessible by emergency aid		
	Withdrawal of water from a watercourse		
	Retaining, storing, or diverting water		
	Construction of dams and impoundments		
	Direct or indirect deposit of waste into water		
	Other		

## Appendix G – Example Work Plan for Type A and B Water Licences

The following table outlines the typical steps and timelines for type A and B water licensing proceedings for both new applications and renewal applications. A range is provided for each step, because there are various factors and circumstances that can influence the length of time required, such as:

- the amount of relevant information provided in the application package;
- the number of issues identified by parties during the initial review;
- the number of information requests required following the technical session;
- the number of undertakings required following the public hearing;
- the complexity of the water licence conditions;
- the timing of conflicting events and schedules (e.g., other review processes and public hearings, community events, holidays, etc.); and
- whether the Minister’s review of the licence is extended.

The most influential factor, however, is the quality of information provided by the applicant in their application package.

The Board is required to make a decision on a type A or a type B water licence application within nine months, excluding applicant time, after the application has been deemed complete. The timeline totals set out in the table below are longer than nine months, because the steps include applicant response periods as set out in typical work plans. It is important to note that these timelines are variable based on the nature of the project and the information available.

Step	Type A/B with Public Hearing	Type B with no Public Hearing
Contact LWB staff for guidance on preparing the application package	18 months prior to submission	9 months prior to submission
Review of application package (after package is deemed complete)	6-11 weeks	3-8 weeks (May include draft water licence)
Technical Session (including information requests)	5-6 weeks	n/a
Public Hearing (including interventions)	8-14 weeks	n/a
Draft water licence developed and circulated for review	4-7 weeks	3-5 weeks (If not circulated with the application)
Closing arguments and Board decision	4-7 weeks	3-7 weeks
Final water licence sent to Minister for approval	5-9 weeks	n/a