



Water Use Fee Policy

March 2013

Mackenzie Valley Land and Water Board
Gwich'in Land and Water Board
Sahtu Land and Water Board
Wek'èezhìi Land and Water Board

Definitions and Acronyms

Term	Definition
AANDC	Aboriginal Affairs and Northern Development Canada
Boards	Land and Water Boards of the Mackenzie Valley, as established by the <i>Mackenzie Valley Resources Management Act</i> (MVRMA)
GLWB	Gwich'in Land and Water Board
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	<i>Mackenzie Valley Resource Management Act</i>
NWTWA	<i>Northwest Territories Waters Act</i>
NWTWR	Northwest Territories Waters Regulations
Project	Any development or undertaking that requires a water licence
Proponent	Applicant for, or holder of, a water licence
SLWB	Sahtu Land and Water Board
WLWB	Wek'èezhìi Land and Water Board

1. Purpose

Section 9 of the Northwest Territories Waters Regulations (NWTWR) specifies the amount of fees a proponent needs to pay for the use of water for a licensed undertaking.

In the past, there were different interpretations on how to calculate water use fees for certain undertakings, including industrial, mining and milling, and miscellaneous undertakings. To address this issue, as of May 1, 2012, the Boards require the use of the water use fee calculator (calculator) that was developed by Aboriginal Affairs and Northern Development Canada (AANDC) to ensure that water use fees are being calculated consistently.

The Boards have developed this Policy to provide further clarification about how water use fees are to be calculated.

2. Authority

The Boards' authority to develop and implement this Policy is granted under sections 65, 102, and 106 of the *Mackenzie Valley Resource Management Act* (MVRMA).

3. Application of this Policy

This Policy will be applied by all the Boards operating under the MVRMA including the:

- Mackenzie Valley Land and Water Board
- Gwich'in Land and Water Board
- Sahtu Land and Water Board
- Wek'èzhìi Land and Water Board.

This Policy applies to all projects that require a water licence that authorizes the use of water.

4. Water Use Fees

4.1 Who pays fees?

All licensees are required to pay fees, except for the federal and territorial governments and municipalities.¹

4.2 When are fees paid?

Fees are to be paid with the water licence application (as a deposit)², at the time of issuance for the first year of the licence, and then on the anniversary date of the issuance of the licence in advance of using the water.³ If the deposit is greater than what is required, then the proponent will receive a refund.⁴

¹ See section 3 of the *Northwest Territories Waters Act* and section 9 of the NWTWR.

² See subsection 6(1) of the NWTWR.

³ See subsection 9(6) of the NWTWR.

⁴ See subsection 9(7) of the NWTWR.

4.3 How are fees calculated?

For fees to be paid on or after May 1, 2012, the calculator is to be used (click on [Apply for Permit / Licence](#), and then under Water Licence Applications click on Water Use Fee Calculator). The calculator also calculates fees in cases where the licensee is authorized to use water for only a portion of the year. **Fees are based on the volume of water that is authorized by the water licence, and not on the amount that is actually used.** Therefore, proponents need to be clear about the volumes they are applying for and when they want to use water during the life of the licence. For water licences that are triggered by the deposit of waste, fees are to be paid for water use volumes less than the thresholds outlined in the NWTWR.⁵

⁵ See Schedules IV to VIII of the NWTWR for water use thresholds.