



GUIDE

9

Guide to the Approval for the Use of Water or Deposit
of Waste Without a Licence

March 2017

P.O. BOX 119
GJOAHAVEN, NUNAVUT
XOB 1J0
TEL: (867)360-6338
FAX: (867)360-6369

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NUNAVUT IMALIRIYIN KATIMAYINGI
NUNAVUT WATER BOARD
OFFICE DES EAUX DU NUNAVUT

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	Description	Date
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(2)	Rev. 2 Add Block 6 to Application Form	March 5, 2015
(3)	Rev. 3 Add “use” of water definition and changes due to NuPPAA; language updates to ensure consistency; included additional fields to address informational requirements	March 2017
(4)		
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Guide 3 – Activities that Require a Water Licence and Types of Water Licences
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Water Licensing Process Flowcharts and Time Charts (in colour and black and white)

Important Notes

1. *This Guide presents information about the Nunavut Water Board (NWB or Board) and its process in a plain language format for the purpose of public education and assistance to parties involved in the process. However, it should be noted that the legal responsibilities of parties involved in the water licensing process are as established under the Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement), the Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA or Act), and the Nunavut Waters Regulations (NWR or Regulations). All parties are responsible for ensuring they comply with the applicable legal responsibilities imposed under these provisions. To the extent that this Guide is inconsistent or in conflict with the applicable legal requirements, the obligations as set out in the relevant acts and regulations shall govern. Any descriptions of the responsibilities of the parties contained in this Guide are of a general nature only and are not offered or intended as a substitute for professional legal advice or the specific direction of the NWB in any given case.*
2. *In the event of a conflict between the Guides, the Nunavut Agreement, the NuPPAA, the NWNSRTA or the Regulations, the Nunavut Agreement, NuPPAA, NWNSRTA, and the Regulations prevail.*
3. *The abbreviations 'NWB' and 'Board' are used interchangeably throughout this document to refer to the Nunavut Water Board.*
4. *Versions of the NWB Guides are available in English from the NWB electronic public registry. translated versions will be made available upon request. (See NWB Contact Information at the end of this Guide.)*

1. What is the purpose of this Guide?

sections 11(2)(a) and 12(2)(a) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act) permit the use of waters and/or the deposit of waste without a licence where authorized by the *Regulations*.

The Nunavut Water Board (NWB or Board) has prepared this *Guide to the Approval for the Use of Waters and/or the Deposit of Waste Without a Licence* (Guide 9) upon assent on April 18, 2013 of the *Nunavut Waters Regulations* SOR/2013-69 authorizing the use of waters and/or the deposit of waste without a licence. This Guide includes responses to anticipated questions regarding the implementation of the authorization under the *Regulations*, as well as an *Application for Approval for the Use of Waters and/or the Deposit of Waste Without a Licence* to be completed and signed by Applicants for approval by the Board.

2. Do I need approval from the Board for the use of water or deposit of waste without a licence?

In accordance with the Nunavut Agreement, with the exception of domestic or emergency uses, no person may use waters and/or deposit waste into waters without the approval of the NWB.

sections 11 and 12 of the Act clarify that outside of the exceptions set out in the Nunavut Agreement, a licence is required for the use of waters and/or the deposit of waste, unless the

use or deposit occurs (i) within a national park, or (ii) it is a use or deposit that is authorized by the *Regulations*.

sections 4 and 5 of the *Regulations* outline the specific use of waters and/or the deposit of waste for which a licence is not required but for which Board approval must still be obtained. **These water uses or waste deposits must not begin until Board approval has been granted in writing.**

3. What is meant by “use” of waters?

“Use” of waters is defined in very broad terms, including direct or indirect uses of any kind. More specifically, as set out in s. 4 of the NWNSRTA the following types of activities qualify as use of waters:

- a. Any use of water power and geothermal resources;
- b. Any diversion or obstruction of waters;
- c. Any alteration of the flow of waters; and
- d. Any alteration of the bed or banks of a river, stream, lake or other body of water, whether or not the body of water is seasonal.

Uses associated with navigation or any other use connected with shipping activities governed by the *Canada Shipping Act, 2001* are NOT, however, included in the definition of use.

4. What conditions must be met for the use of waters or deposit of waste to be approved without a licence?

sections 4 and 5 of the *Regulations* outline the following conditions that must be met for the approval of water to be used or waste to be deposited without a licence:

- a. Where the authorization is for the use of waters, the use must be of a type that is set out and then further specified in columns 2 and 3 of Schedule 2 of the *Regulations*. Additionally, the use of waters must be in respect of an undertaking that is set out in column 1 of Schedule 2. (A complete list of water uses which may be authorized without a licence in accordance with the *Regulations* is provided in this Guide in Block 9 of Appendix A.)
- b. Where the authorization is for the deposit of waste, the deposit must be an activity that is set out and then further specified in columns 2 and 3 of Schedule 3 of the *Regulations*. Additionally, the deposit of waste must be in respect of an undertaking that is set out in column 1 of Schedule 3. (A complete list of activities involving the deposit of waste which may be authorized without a licence in accordance with the *Regulations* is provided in this Guide, in Block 11 of Appendix A.)
- c. The use of waters and/or the deposit of waste would not substantially affect the quality, quantity or flow of the watercourse whose waters are used or in which waste is deposited;
- d. The use of waters and/or the deposit of waste would not substantially affect the quality, quantity or flow of waters flowing through Inuit-owned lands (IOL);
- e. The use of waters and/or the deposit of waste would not adversely affect the use of waters by a person who would be entitled to compensation under sections 58 or 60 of the *Act* if their use of those waters were to be adversely affected by an Applicant for a licence.
- f. A licence is not required for another use of waters or deposit of waste in respect of the same undertaking.
- g. The conditions outlined in sections 4(3), 4(4), 5(4), 5(5) and 6 of the *Regulations* are complied with (See Appendix B of this Guide).

- h. In the case of a deposit of waste that is discharged from a vessel within the meaning of section 2 of the *Canada Shipping Act, 2001*,¹ a licence is not required if the deposit is not prohibited under Part 9 of that Act and satisfies items (d) and (e) listed above.

In addition, the Nunavut Planning Commission's land use planning requirements under Article 11 of the Nunavut Agreement and the Nunavut Impact Review Board's requirements under Article 12 of the Nunavut Agreement must be met in accordance with NuPPAA.

5. How do I apply for approval of the use of waters and/or deposit of waste without a licence?

To obtain approval for the use of waters and/or deposit of waste without a licence, an Applicant must submit the following to the Board:

- A cover letter addressed to the NWB Manager of Licensing requesting approval for the use of waters and/or deposit of waste without a licence including a brief description of the undertaking in both English and Inuktitut.²
- A completed and signed Application for the Approval for the Use of Waters and/or Deposit of Waste Without a Licence in accordance with section 3 of the *Regulations*. A copy of the Application is provided in Appendix A of this Guide.

To complete the Application, the Applicant must (to the extent possible) insert the following information directly into the Application form:

Block 1 - Applicant contact information

The full name of the Applicant must be provided, meaning the person or associated registered company (in good standing³) proposed as the holder of the Approval. Initials are not acceptable. Also required are a mailing address, telephone number, facsimile number and electronic mail (e-mail) address.

Block 2 – Applicant representative contact information

The name and contact information of any party submitting an Application on behalf of the Applicant must be provided. Furthermore, the Applicant must submit a signed letter which authorizes a party to be the Applicant's representative.

Block 3 – Name of the owner of the land in relation to the waters to be used or the waste to be deposited

The Applicant must indicate the owner of the land in relation to the waters to be used or the waste to be deposited, for example: Commissioner's land, Crown land, or Inuit-owned Land (in which case the appropriate Designated Inuit Organization should be named).

Block 4 – Name of project

¹ In accordance with the Canada Shipping Act, 2001, section 2, "vessel" means a boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion, and includes such a vessel that is under construction. It does not include a floating object of a prescribed class.

² In accordance with section 25 of the NWNSRTA.

³ Good standing means that the company has fulfilled and continues to fulfill all reporting obligations under the *Canada Business Corporations Act*

The Applicant must indicate the name of the project associated with the proposed undertaking consistent with the name of the project provided to other regulatory agencies.

Block 5 – Location of undertaking

The Applicant must indicate the coordinates (decimal degrees) of the project area extents (NE, NW, SE, SW) taking into consideration any areas or sites of investigation, locations of proposed infrastructure and activities, and the boundaries of any associated land use authorizations. The coordinates of camp locations must also be provided.

Locations and boundaries must be provided by **latitude and longitude**. If available, Universal Transverse Mercator (UTM) coordinates should also be provided.

The name and number of the Water Management Area defined by the *Regulations* in which the undertaking is located should also be provided if known. The Water Management Areas Map and associated names reproduced from the *Regulations* is provided in Appendix D of this Guide.

Block 6 – Previous Approvals or Licences Associated with Undertaking

The Applicant must indicate if there are any previous licences (“Type A” or “Type B”) or Approvals associated with the current Application. The Board reminds the Applicant that as stated in s. 46 of the NWNSRTA, the expiry or cancellation of any previous licence does not relieve the holder from any outstanding obligations imposed under the licence.

Block 7 – Classification of undertaking

The Applicant must check the appropriate box to indicate the classification of the primary undertaking being applied for. Only one box can be selected. Descriptions of the classifications of undertakings are provided Appendix C of this Guide.

Block 8 - Description of undertaking and equipment used

The Applicant must provide a brief description of the undertaking including a description of any equipment that will be used in using water or depositing waste.

Block 9 – Schedule

The Applicant must indicate the proposed start and completion dates for the project.

Block 10 – Type of use of waters without a licence proposed

The Applicant must check the appropriate box to indicate the type of use of waters without a licence proposed. Only one box can be selected.

Block 11 – Quantity of water involved

The Applicant must indicate the following for each type of water use described in Block 9:

- The source of water including the name of the water body and the location of the water source on, in or flowing through Crown land and Inuit owned Land (Coordinates in degrees, minutes and seconds of Latitude and Longitude). (To determine if fees are required)
- The estimated amount of water to be taken from each source in cubic metres per day; and
- Period(s) during which waters will be extracted.

Block 12 – Type of deposit of waste without a licence

The Applicant must check the appropriate box to indicate the type of deposit of waste without a licence proposed. Only one box can be selected.

Block 13 – Quantity of waste involved

The Applicant must indicate the following for each type of waste to be deposited as described in Block 11:

- Quantity to be deposited in cubic metres per day;
- Measure to avoid or mitigate any adverse impacts; and
- Period(s) during which waste will be deposited.

Block 14 – Signature

In accordance with section 88(2) of the *Act* requiring that no person shall knowingly make a false statement, the Applicant or its representative must certify that the information given on the form is correct and complete to the best of their knowledge. In addition, the Applicant must certify that each condition of the approval (as outlined in section 3 of this Guide) will be satisfied.

Finally, the Applicant must print their name and title at the end of the form and the representative who has the authority to sign on behalf of the Applicant **must sign** the application.

If the Application is being filed by another party on behalf of the Applicant, the application must also include a letter outlining the relationship between the parties as well as confirmation in writing by the Applicant that the other person or company is working on its behalf.

Signatures, whether electronic or written, must be included on electronic applications and any electronic copies of the Application.

Unsigned forms will not be accepted.

In submitting the Application, provide one electronic copy only. The onus rests with the Applicant to confirm receipt of documents by the NWB.

Additional submission considerations are provided in the NWB's *Guide 6: Electronic Documentation: Submissions and Registry*.

The completed and signed Application must be received by the NWB's Licensing Administration department via email, fax, or post, a minimum of thirty (30) days before the start of the activity related to the use of waters and/or the deposit of waste without a licence at the following address:

P.O. Box 119
Gjoa Haven, Nunavut,
XOB 1J0
Email: licensing@nwb-oen.ca
Fax: 867-360-6369

6. How does the NWB process Applications for Approval of the Use of Waters or Deposit of Waste Without a Licence?

1. NWB receives a complete Application for Approval of the Use of Waters or Deposit of Waste Without a Licence (Application)

The first step in the process is for the Applicant to complete and submit an Application to the NWB's Licensing Administration at least thirty (30) working days before the start of the activity (See section 4 of this Guide).

2. NWB conducts a preliminary review of the Application

Once the NWB Licensing Administration receives the Application, it conducts a preliminary review of the Application to determine whether the Application is administratively complete, meaning that the Application includes a cover letter in English and Inuktitut and/or Inuinnaqtun, if required, as well as a completed and signed Application form.

If the Application is deemed complete, the NWB Licensing Administration will confirm receipt of the complete Application in writing, and will post the Application to the NWB's Public Registry.

If the Application is deemed incomplete, the NWB Licensing Administration will notify the Applicant in writing in order to resolve any deficiencies and to clarify and/or request additional information.

3. NWB conducts an internal technical review of the Application

Once the Application is deemed administratively complete, the NWB Technical Department will conduct an internal technical review of the Application to determine whether the Application is technically complete, meaning that the Application addresses each item outlined in section 3 of this Guide.

In addition, the NWB Technical Department will determine the eligibility of the Application for approval without a licence by confirming: (1) that the undertaking complies with the criteria for the use of waters and/or deposit of waste authorization without a licence in accordance with Schedules 2 and 3 of the *Regulations*; (2) that all items outlined in section 4 of this Guide have been completed and (3) that the information provided in the Application is consistent with the declarations certified by the Applicant within the signature Block 13.

Based on this technical review, the NWB Technical Department will make one of the following determinations and advise the Applicant accordingly:

- (i) Additional information is required;
- (ii) The Application is eligible for authorization without a licence; or
- (iii) The Application is ineligible for authorization without a licence.

If additional information is required, the NWB Technical Department will correspond with the Applicant to resolve any deficiencies and to clarify / request additional information. Once any technical deficiencies are resolved, the NWB Technical Department will forward its recommendation to the Board for a decision.

4. NWB issues an approval for the use of waters and/or deposit of waste without a licence

Once the Board has considered the Application and the recommendations of the Technical Department, the Board will forward its decision to the Licensing Administration.

If the Board approves of the authorization, the NWB Licensing Administration will inform the Applicant of the Board's decision by issuing an approval letter to the Applicant authorizing the proposed use of waters and/or deposit of waste without a licence for a period of one year following the day on which the Board approves the application.

If the Board does not approve of the authorization, the NWB Licensing Administration will inform the Applicant of the Board's decision advising if necessary whether the undertaking requires a water licence.

At this time, the NWB will post the Board's decision to its public registry and will forward a copy of any approval to Indigenous and Northern Affairs Canada (INAC) for inspection and enforcement purposes.

If the requirements for authorizing the use of waters and/or deposit of waste without a licence are met and the Applicant agrees to satisfy the conditions of approval, the Board does not have the discretion to require a water licence.

7. What conditions will the NWB include as part of an approval for the use of waters and/or deposit of waste without a licence?

The conditions that must be met for the use of waters and/or deposit of waste without a licence are established by sections 4(3), 5(4), 5(5), 6 and 16 of the *Regulations* and are summarized in Appendix B. A failure to comply with these conditions may require a licence to be obtained for the use of waters and/or deposit of waste.

8. How long is the process to approve an Application for the Use of Water or Deposit of Waste Without a Licence?

Upon submission of a complete and signed Application in which the "Yes" box has been ticked for each of the statements in the signature block (Block 13), allow a minimum of thirty (30) days for the processing of an Application.

9. What time period is an approval for the use of waters and/or deposit of waste into water without a licence effective for?

In accordance with section 4(5) and 5(6) of the *Regulations* a use of waters and/or deposit of waste without a licence will be authorized for a period of **one year** after the day on which the Board approves the application.

10. What is required following the issuance of an approval for the use of waters and/or deposit of waste without a licence?

Following the issuance of an approval for the use of waters and/or deposit of waste without a licence, the Proponent must maintain compliance with the conditions outlined in sections 4(3), 5(4), 5(5), 6 and 16 of the *Regulations* (See Appendix B of this Guide for a summary of those conditions), including conditions related to the use of water by Inuit on Inuit Owned Land, water use, waste disposal, restoration, and record keeping.

Keeping in mind that an approval for the use of water and/or deposit of waste without a licence is authorized for a period of one year after the day on which the Board approves the application, the Proponent must consider its options prior to the expiry of the approval including:

- **If activities authorized under the approval will cease on or prior to the expiry of the approval**, restoration of the site of the undertaking is required, including submission to the Board of a report containing a summary description and supporting photographs of the restoration of the site within thirty (30) days after the earliest of (i) the day on which the undertaking is closed or abandoned, or (ii) the last day of the period authorized for the use of water or deposit of waste without a licence;
- **If activities authorized under the approval will continue without change or with a reduction in activity on or prior to the expiry of the approval**, apply for a new approval at least thirty (30) days prior to the expiry date of the approval; or
- **If activities authorized under the approval will continue with increased activity**, reassess the licensing requirements under the *Regulations* and the potential need for a water licence. If a water licence is required, see the NWB's *Guide 4 Completing and Submitting a Water Licence Application for a New Licence* and submit a water licence application in a timely manner, allowing approximately three (3) months to process a Type "B" water licence application and approximately one (1) year to process a Type "A" water licence application. See the NWB's *Guide 5 Processing Water Licence Applications* for more information about water licence process timelines.

11. Are approved use of waters and/or and deposits of waste into water without a licence subject to enforcement?

Contraventions of section 11(1) of the *Act* related to the use of waters prohibitions and section 12(1) of the *Act* related to the deposit of waste prohibitions are enforceable by INAC inspectors.

Where an approval for the use of waters and/or deposit of waste without a licence is granted, the NWB will forward a copy of the approval letter to INAC for inspection and enforcement purposes, with the expectation that approved use of waters and/or deposit of waste without a licence will be done in accordance with the conditions outlined in the *Regulations* and summarized in section 3 of this Guide.

In accordance with section 6(1)(b) of the *Regulations* a person authorized to use waters and/or deposit waste without a licence must make the books and records documenting the site activities available to an inspector upon request.

In accordance with section 86 of the *Act*, an inspector has options for addressing a contravention of an approved use of waters and/or deposit of waste without a licence. If an inspector has reason to believe that:

- There has been a contravention of the *Act*;
- There has been or may be a failure of a work related to the use of waters and/or the deposit of waste (whether or not there has been compliance with any prescribed standards); or
- The use of waters and/or the deposit of waste are causing danger to persons, property or the environment;

an inspector may direct a person to:

- Take reasonable measures (including to stop the activity) to prevent the use of waters and/or the deposit of waste, or the failure of a work related to the use of waters and/or the deposit of waste; or
- Counteract, mitigate or remedy the resulting adverse effects.

Such direction may require a person to apply for a water licence from the NWB.

When an inspector enters a site any person who is on the site must provide the inspector with all reasonable assistance and information relating to a use of waters and/or deposit of waste to aid the inspector to carry out the inspection.

12. Can the Board issue a water licence when the *Regulations* may authorize the undertaking to be carried out under an approval for the use of waters and/or deposit of waste without a licence?

In accordance with section 42(3) of Act, the Board may not refuse to issue a licence because the *Regulations* authorize the use of waters and/or the deposit of waste without a licence.

In determining whether to apply for a water licence for an undertaking that meets the conditions set out for an approval for the use of waters and/or the deposit of waste without a licence, a person may consider: (1) the reasonably foreseeable life of the project; (2) the potential future sale or other disposition of any right, title, or interest in the undertaking; and (3) any organizational mission statement or self-regulations.

If, for example, a project is anticipated to continue over a period of several years, a person may wish to apply for a multi-year water licence, to avoid the annual burden of preparing and filing an application for the use of waters and/or deposit of waste without a licence. In doing so it is understood that if project plans should change, an application may be made to amend or cancel the water licence.

Also, if a sale or other disposition of any interest in the undertaking is anticipated a person may wish to apply for a water licence because water licences are assignable, whereas authorizations for use of waters and/or deposits of waste without a licence are not.

Finally, an organization's mission statement or self-regulations may impact the decision to apply for a water licence.

At any time during the term of the approval for the use of waters and/or deposit of waste without a licence, a person may apply for a water licence.

13. What do I do if I currently hold a type B licence issued under the previous regulatory regime for the use of waters and/or deposit of waste, which is/are now classified as an activity that can be authorized without a licence under the new *Nunavut Waters Regulations*?

A Type "B" water licence issued for a use of waters and/or deposit of waste that would otherwise be eligible for an approval without a licence remains in full force until it expires or a request is made to cancel the licence. When the Type "B" licence is nearing expiry, the Licensee may decide to apply for a renewal of the Type "B" licence (see Guide 4), or if applicable, apply for an approval without a licence. Applications to renew a Type "B" licence should be sent to the Board three (3) months before the expiry of the current licence. Applications for approvals without a licence should be sent at least thirty (30) days in advance of the expiry of the Type "B" licence. The approval without a licence will only come into effect upon or after the expiry or cancellation of the current licence or current approval without a licence. The NWB cannot have two existing authorizations for the same undertaking. The Board reminds the Applicant that as stated in s. 46 of the NWNSRTA, the expiry or cancellation of any previous licence does not relieve the holder from any outstanding or current obligations imposed under the licence.

14. What are the benefits of cancelling my expiring Type B licence?

The obligations of a former licensee continue even after a licence has expired. Therefore, it is beneficial for a licensee to apply for a cancellation in order to ensure that the licensee can establish that INAC has determined (via a site inspection) that any reclamation obligations under the former licence have been met.

15. Should I submit a Spill Contingency Plan with my use without a licence application?

Although Spill Contingency Plans are not a requirement of an approval without a licence and will not be approved by the Board, the Board still encourages applicants to submit the key plans governing the undertaking such as a Spill Contingency Plan, Closure and Reclamation Plan, and other relevant plans, with your use without a licence application so that the Board can add these documents to the public register, which gives key stakeholders and the public access to these documents.

16. How do I contact the NWB?

If you have any questions regarding the content of this Guide contact the NWB. The NWB's Licensing Administration department is the first point of contact and will direct inquiries accordingly. The NWB's contact information is:

Nunavut Water Board
P.O. Box 119
Gjoa Haven, Nunavut
X0B 1J0

Phone: (867) 360-6338
Fax: (867) 360-6369
E-mail: licensing@nwb-oen.ca
Website: <http://www.nwb-oen.ca/>

All correspondence with the NWB related to an approval without a licence, an approved licence or an application, must reference the application or licence number, the project name and the Applicant's name. E-mail correspondence must include this information in the e-mail subject line.

FTP Site: <ftp.nwb-oen.ca>

APPENDIX A

APPLICATION FOR APPROVAL OF THE USE OF WATERS AND/OR DEPOSIT OF WASTE WITHOUT A LICENCE



P.O. Box 119
GJOA HAVEN, NU X0B 1J0
TEL: (867) 360-6338
FAX: (867) 360-6369

ᓄᓇᓂᓪ ᐃᓕᓂᓪᓃᓪ ᑲᓂᓕᓪᓃᓪ
NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYIT
OFFICE DES EAUX DU NUNAVUT

APPLICATION FOR APPROVAL FOR THE USE OF WATERS AND/OR DEPOSIT OF WASTE WITHOUT A LICENCE

Refer to Guide 9 - Approval for the Use of Waters and/or Deposit of Waste Without a Licence .

APPLICATION NO: (for NWB use only)	
1. APPLICANT CONTACT INFORMATION (name, address) Name: _____ Title: _____ Company: _____ Address: _____ Phone: _____ Fax: _____ e-mail: _____	2. APPLICANT REPRESENTATIVE CONTACT INFORMATION if different from Block 1 (name, address) Name: _____ Title: _____ Company: _____ Address: _____ Phone: _____ Fax: _____ e-mail: _____ (Attach authorization letter)
3. OWNER OF THE LAND ASSOCIATED WITH THE WATERS TO BE USED AND/OR THE WASTE TO BE DEPOSITED <input type="checkbox"/> Inuit Owned <input type="checkbox"/> Crown <input type="checkbox"/> Commissioner's	
4. NAME OF PROJECT (consistent with the name of the project issued by other regulatory agencies) _____	
5. LOCATION OF UNDERTAKING <input type="checkbox"/> Kitikmeot <input type="checkbox"/> Kivalliq <input type="checkbox"/> Qikiqtani Project Extents NW: Latitude: (° ' " N) Longitude: (° ' " W) NE: Latitude: (° ' " N) Longitude: (° ' " W) SE: Latitude: (° ' " N) Longitude: (° ' " W) SW: Latitude: (° ' " N) Longitude: (° ' " W)	
MAP - Attach a topographical map, indicating the main components of the undertaking. NTS Map Sheet No.: _____ Map Name: _____ Map Scale: _____	

Camp Location(s)

Latitude: (° ' " N) Longitude: (° ' " W)

Name and number of the Water Management Area (Watershed) in which the Undertaking is located.
(Please see Appendix D of the Guide and Schedule 4 of the Regulations):

Name: _____ Number: _____

6. Previous Approvals or Licences Associated with Undertaking ("Type A", "Type B" or Approval Without a Licence; it should be noted that in accordance with Guide 9, the NWB cannot issue more than one authorization for the same undertaking)

NA or

Previous Licence/Approval Number: _____

The Board reminds the Applicant that as stated in s. 46 of the NWNSRTA, the expiry or cancellation of any previous licence does not relieve the holder from any outstanding obligations imposed under the licence.

7. CLASSIFICATION OF UNDERTAKING - Indicate the classification of undertaking by checking one of the following boxes.

- Industrial
- Mining
- Municipal
- Power

- Agricultural
- Conservation
- Recreational
- Other: (describe)

See Appendix C of Guide 9 for descriptions of classifications of undertakings.

8. DESCRIPTION OF UNDERTAKING AND EQUIPMENT USED – Provide a brief description of the undertaking including a description of any equipment that will be used in using water or depositing waste.

9. SCHEDULE – Applicants are advised that approvals without a licence are issued for a one-year term.

Proposed Start Date: _____ Proposed Completion Date: _____
(Day / Month / Year) (Day / Month / Year)

10. TYPE OF USE OF WATERS WITHOUT A LICENCE PROPOSED - Check the box that

applies to the type of water use proposed. If none of the water uses listed below applies to the proposed water use, an application for a water licence will be required. See the NWB's Guide 4 – Completing and Submitting a Water Licence Application for a New Licence.

- For an undertaking other than a Power undertaking and for a use of water related to the construction of a structure across a watercourse that is less than 5 metres wide at the ordinary high water mark at the point of construction.
- For an undertaking other than a Power undertaking and for a use of water related to the training of an intermittent watercourse.
- For an undertaking other than a Power undertaking and for a use of water related to the training of a watercourse that is less than 5 metres wide at the ordinary high water mark at the point of training.
- For an undertaking other than a Power undertaking and for a use of water related to the training of a watercourse that involves the infilling of the watercourse, if the watercourse has no inflow or outflow and a surface area of less than 0.5 hectares.
- For an undertaking other than a Power undertaking and for a use of water related to the training of a watercourse that involves removal or placement of less than 100 m³ of material.
- For an undertaking other than a Power undertaking and for a use of water related to the construction of a temporary structure in a watercourse for the purpose of flood control.
- For an undertaking other than a Power undertaking and for any use of water related to the storage of 2,500 m³ or less.
- For an undertaking other than a Power undertaking and for any use of water less than 50 m³ per day.

11. QUANTITY OF WATER INVOLVED - For each type of water use indicated in Block 10, provide the source of water, the estimated quantity to be used in cubic metres per day, and the periods during which water will be extracted.

Type of Water Use indicated in Block 10	Name of Water Source(s)	Estimated Water Quantity (m ³ / day)	Period(s) During which Water will be Extracted	Location of Water Source(s) (Crown/IOL)

12. TYPE OF DEPOSIT OF WASTE PROPOSED - Check the box that applies to the type of deposit of waste proposed. If none of the deposits of waste listed below apply to the proposed deposit of waste, an application for a water licence will be required. See the NWB's Guide 4 – Completing and Submitting a Water Licence Application for a New Licence.

- For an Industrial undertaking, for an activity related to hydrostatic testing or cleaning of storage tanks and pipelines, and for any deposit of waste resulting from hydrostatic testing or cleaning of unused storage tanks or pipelines.
- For an Industrial undertaking, for an activity related to quarrying and gravel washing, and for any deposit of waste that is not deposited to surface water and that results from quarrying or gravel washing above the ordinary high water mark.
- For a Mining undertaking, for an activity related to exploratory work, any deposit of sewage to a sump.
- For a Power undertaking, any deposit of sewage to a sump.
- For an Agricultural undertaking, any deposit of sewage to a sump.
- For a Recreation undertaking, any deposit of sewage to a sump.
- For any Other type of undertaking not listed above, other than Municipal, any deposit of sewage to a sump.

13. TYPE AND QUANTITY OF WASTE INVOLVED – For each type of waste indicated in Block 12, describe the quantity in cubic metres/day, measures to avoid or mitigate adverse impacts, and periods of deposition.

Type of Waste indicated in Block 12	Quantity to be deposited in m ³ / day	Measures to avoid or mitigate any adverse impacts	Periods during which waste will be deposited

14. SIGNATURE

I, _____ (print name), certify that the information given on this form is, to the best of my knowledge, correct and complete.

Yes _____ No _____

OR

I, _____ (print name), as an authorized representative of the Applicant, _____, certify that the information given on this form is, to the best of my knowledge, correct and complete.

Yes

No

I certify that the Nunavut Planning Commission's land use planning requirements under Article 11 of the Nunavut Agreement have been met.

Yes

No

I certify that the Nunavut Impact Review Board's development impact review requirements under Article 12 of the Nunavut Agreement have been met.

Yes

No

I certify that the proposed water use is of a type set out in column 2 of Schedule 2 of the Regulations that is further specified by column 3, in respect of an undertaking set out in column 1. See list in Block 10.

Yes

NA

No

I certify that the proposed deposit of waste is an activity that is set out and then further specified in columns 2 and 3 of Schedule 3 of the Regulations, in respect of an undertaking that is set out in column 1 of Schedule 3. See list in Block 12.

Yes

NA

No

I certify that the proposed water use or deposit of waste will not substantially affect the quality, quantity or flow of the watercourse whose waters are used.

Yes

No

I certify that the proposed water use or deposit of waste will not substantially affect the quality, quantity or flow of waters flowing through Inuit Owned Lands.

Yes

No

I certify that the proposed water use or deposit of waste will not affect the use of waters by a person who would be entitled to compensation under sections 58 or 60 of the *Nunavut Waters Nunavut Surface Rights Tribunal Act* (Act) if their use of these waters were to be adversely affected by an applicant for a licence.

Yes

No

I certify that a licence is not required for another use of water, or deposit of waste in respect of the proposed undertaking.

Yes

No

I have read and agree to comply with the following conditions outlined in sections 4(3), 5(4), 5(5) and 6 of the *Nunavut Waters Regulations*:

1. In the case of an applicant who has a mineral right and who intends to use waters or deposit waste in relation to that right, the applicant shall respect the priority conferred on Inuit by section 62 of the

Act as if that applicant had a licence for the use or deposit.

2. Measures must be taken prior to using water to minimize any alteration to the bed or banks of a watercourse whose waters are to be used, and the measures shall be maintained during the operation of the undertaking.
3. No waste is to be deposited to surface water or within 31 metres of the ordinary high water mark of any body of water.
4. The waste shall not contain more than 15 milligrams per litre of petroleum or petroleum product and must not have a visible hydrocarbon sheen.
5. Prior to the closure or abandonment of the undertaking or end of the period authorized for the use of water or deposit of waste without a licence, whichever occurs first, the site shall be restored — to the extent practicable — to the state in which it was before the use of waters and/or the deposit of waste.^a
6. An applicant who is authorized under the Regulations to use waters or deposit waste without a licence shall:
 - a. maintain accurate and detailed books and records of:
 - i. the quantity of water, in cubic metres, used each day,
 - ii. the quantity, in cubic metres, of waste deposited each day,
 - iii. the type of waste deposited each day,
 - iv. where the waste is deposited,
 - v. the concentration of the substance, or substances, in the deposited solid or liquid that has the effect of making the deposit waste,
 - vi. the methodology used to calculate or determine the information referred to in items (i) to (iv), and
 - vii. the measures that were taken to avoid or mitigate any adverse impacts of the deposit of waste.
 - b. keep the books and records on the site of the undertaking during the period of its operation and make them available during that period to an inspector on request;
 - c. submit to the Board a report containing a summary description and supporting photographs of the restoration of the site of the undertaking within 30 days after the earliest of (i) the day on which the undertaking is closed or abandoned, and (ii) the last day of the period authorized for the use or deposit without a licence;^b and
 - d. keep the books and records for two years after submitting the report describing the restoration of the site of the undertaking.

Notes:

^a A site need not be restored prior to the end of the period authorized for the water use and/or deposit of waste without a licence, as required by Item 5, if the Board issues a licence for the use of water or deposit of waste on that site prior to the end of that period.

^b An applicant need not submit the report referred to in Item 6 (c), to the Board if the applicant obtains the Board's approval for a use of water or deposit of waste without a licence, or a licence for a use of water or deposit of waste, on the same site within thirty (30) days after the last day of the period authorized for the use or deposit.

Yes

No

I understand that any approval granted by the Board for the use of water or deposit of waste without a licence will be authorized for a period of one year after the day on which the Board approves the Application. The use or deposit is not authorized until the Board approves the Application and it is only valid as long as the applicant is in compliance with the conditions set out in the declaration above.

<input type="checkbox"/> Yes <input type="checkbox"/> No			
I understand that if I have answered "No" to any of the above statements a water licence is required from the Nunavut Water Board prior to the use of water or deposit of waste.			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Name (Print)	Title (Print)	Signature	Date

APPENDIX B

**CONDITIONS FOR THE USE OF WATER AND/OR
DEPOSIT OF WASTE WITHOUT A LICENCE**

Conditions for the Use of Waters and/or Deposit of Waste Without a Licence

General

1. In the case of an Applicant who has a mineral right and who intends to use waters or deposit waste in relation to that right, the Applicant shall respect the priority conferred on Inuit by section 62 of the *Act* as if that Applicant had a licence for the use or deposit.

Water Use

2. Measures must be taken prior to using water to minimize any alteration to the bed or banks of a watercourse whose waters are to be used, and the measures shall be maintained during the operation of the undertaking.

Waste Disposal

3. No waste is to be deposited to surface water or within 31 metres of the ordinary high water mark of any body of water.
4. The waste shall not contain more than 15 milligrams per litre of petroleum or petroleum product and must not have a visible hydrocarbon sheen.

Spill Contingency Measures

5. Measures developed to deal with unforeseen petroleum and hazardous materials releases that may occur during the operations conducted under the authorization to use waters and/or deposit waste without a licence, including:
 - a. all Sumps and fuel caches shall be located at a distance of at least thirty-one (31) metres from the ordinary High Water Mark of any adjacent water body and inspected on a regular basis;
 - b. prevent any chemicals, petroleum products or wastes associated with the project from entering water;
 - c. report spills immediately to the 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4295;
 - d. for each spill occurrence, submit to the Inspector, no later than thirty (30) days after initially reporting the event, a detailed report that will include reference to the assigned spill number, the amount and type of spilled product, the GPS location of the spill, and the measures taken to contain and clean up the spill site; and
 - e. in addition to Item 5c, regardless of the quantity of releases of harmful substances, report to the NWT/NU Spill Line if the release is near or into a Water body.

Abandonment and Restoration

6. Prior to the closure or abandonment of the undertaking or end of the period authorized for the use of water or deposit of waste without a licence, whichever occurs first, the site shall be restored — to the extent practicable — to the state in which it was prior to the use of waters and/or the deposit of waste.^a

Record Keeping

7. An Applicant who is authorized under the *Regulations* to use waters or deposit waste without a licence shall:
- a. maintain accurate and detailed books and records of:
 - i. the quantity of water used each day (in cubic metres),
 - ii. the quantity of waste deposited each day (in cubic metres),
 - iii. the type of waste deposited each day,
 - iv. where the waste is deposited,
 - v. the concentration of the substance(s), in the deposited solid or liquid that has the effect of making the deposit waste,
 - vi. the methodology used to calculate or determine the information referred to in items (i) to (iv), and
 - vii. the measures that were taken to avoid or mitigate any adverse impacts of the deposit of waste.
 - b. keep the books and records on the site of the undertaking during the period of its operation and make them available during that period to an inspector on request;
 - c. submit to the Board a report containing a summary description and supporting photographs of the restoration of the site of the undertaking within 30 days after the earlier of (i) the day on which the undertaking is closed or abandoned, and (ii) the last day of the period authorized for the use or deposit;^b and
 - d. keep the books and records for two years after submitting the report describing the restoration of the site of the undertaking.

Notes:

^a A site need not be restored prior to the end of the period authorized for the use of Water or the deposit of Waste without a licence, as required by Item 6, if the Board issues a licence for the use of Water or deposit of Waste for the same undertaking on same site prior to the end of that period or the Board issues a new authorization for the same undertaking.

^b The Authorized Entity need not submit the report referred to in Item 7(c) if the Authorized Entity obtains a new approval authorizing a use of Water or deposit of Waste without a licence, or a licence authorizing a use of Water or deposit of Waste for the same undertaking on the same site within thirty (30) days after the last day of the period previously authorized.

APPENDIX C

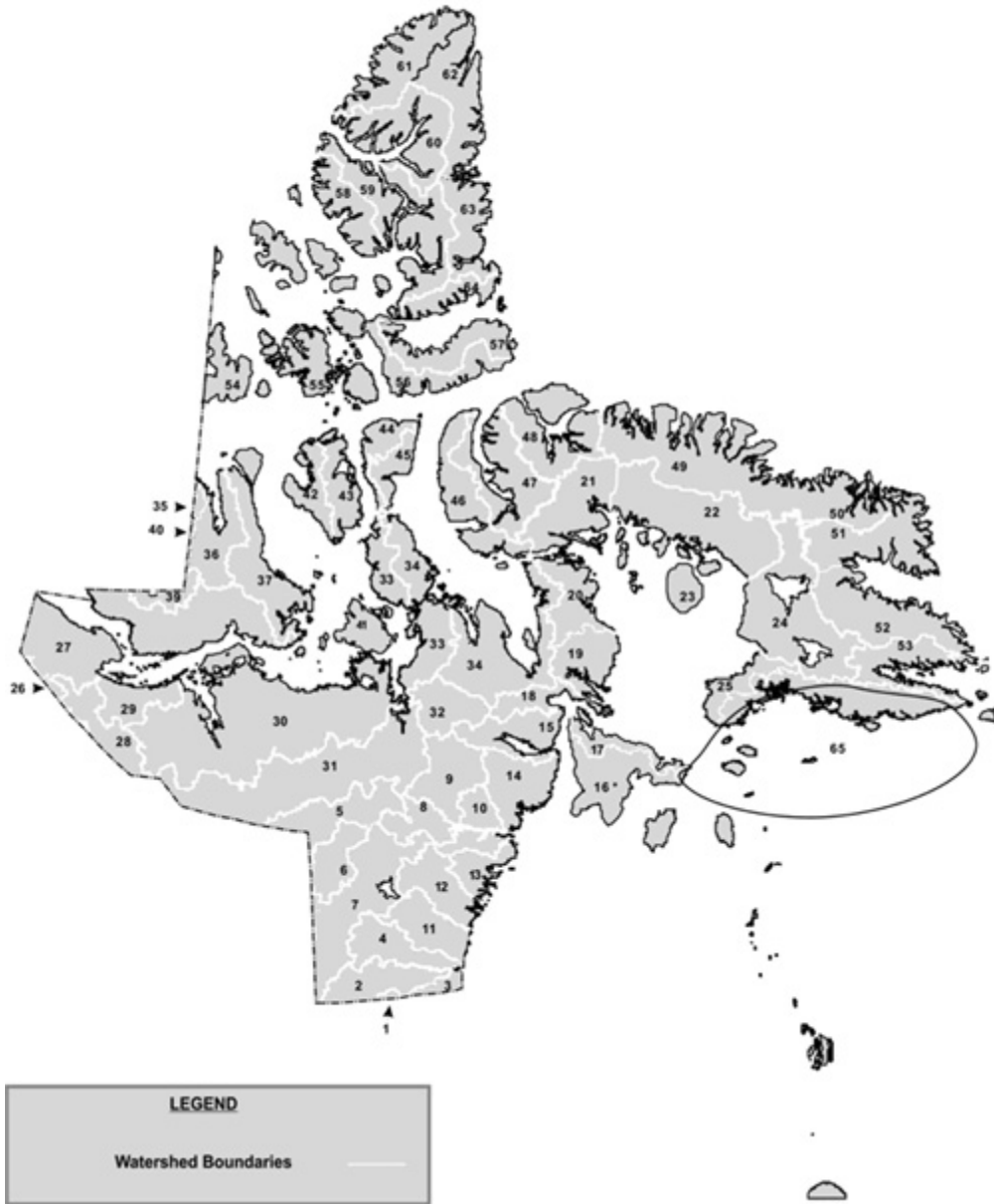
CLASSIFICATION OF UNDERTAKINGS

Classification of Undertakings

Item	Type of Undertaking	Classification of Undertaking
1	Industrial undertaking	Manufacturing processes, hydrostatic testing, quarrying and gravel washing, petroleum and gas exploration, the production, processing, refining or storage of petroleum, petroleum products or gas, cooling systems, food processing, tanneries, the smelting or refining of minerals, metal finishing, the restoration of the site of an industrial undertaking and any other industrial activity.
2	Mining undertaking	The exploration or prospecting for, or the bulk sampling of, minerals other than petroleum or gas, the operation of a mine, the processing of minerals other than petroleum or gas, the restoration of the site of a mine and any other mining activity other than an industrial activity described above.
3	Municipal undertaking	A waste disposal or water system for a municipality
4	Power undertaking	Authorized hydro, geothermal or nuclear electrical generation of
	(a) Class 0	150 or fewer kilowatts per day
	(b) Class 1	More than 150 kW but less than 5 000 kW per day
	(c) Class 2	5 000 or more kilowatts but less than 10 000 kW per day
	(d) Class 3	10 000 or more kilowatts but less than 20 000 kW per day
	(e) Class 4	20 000 or more kilowatts but less than 50 000 kW per day
	(f) Class 5	50 000 or more kilowatts but less than 100 000 kW per day
	(g) Class 6	100 000 or more kilowatts per day
5	Agricultural undertaking	Nourishing crops or providing water for livestock
6	Conservation undertaking	Works for the preservation, protection or improvement of the natural environment
7	Recreational undertaking	A commercial or public recreational development, including camps and tourist lodges
8	Other undertaking	Research projects and any undertaking other than an undertaking set out in any of items 1 to 7.

APPENDIX D

MAP AND LIST OF WATER MANAGEMENT AREAS



1. Seal Watershed
2. Thlewiaza Watershed
3. Geillini Watershed
4. Tha-anne Watershed
5. Thelon Watershed
6. Dubawnt Watershed
7. Kazan Watershed
8. Baker Lake Watershed
9. Quoich Watershed
10. Chesterfield Inlet Watershed
11. Maguse Watershed
12. Ferguson Watershed
13. Wilson Watershed
14. Lorillard Watershed
15. Wager Bay Watershed
16. Hudson Bay Islands Watershed
(includes all the islands within Hudson Bay and James Bay that are not part of Manitoba, Ontario or Quebec)
17. Northern Southampton Island Watershed
18. Repulse Bay Watershed
19. Barrow Watershed
20. Kingora Watershed
21. Gifford Watershed
22. MacDonald Watershed
23. Prince Charles Island Watershed
24. Koukdjuak Watershed
25. Aukpar Watershed
26. Great Bear Watershed
27. Amundsen Gulf Watershed
28. Coppermine Watershed
29. Coronation Gulf Watershed
30. Queen Maud Gulf Watershed
31. Back Watershed
32. Back-Hayes (Nunavut) Watershed
33. Rasmussen Basin – Larsen Sound Watershed
34. Gulf of Boothia Watershed
35. Northwestern Victoria Island Watershed
36. Hadley Bay Watershed
37. Eastern Victoria Island Watershed
38. Southern Victoria Island Watershed
39. Prince Albert Sound Watershed
40. Minto Inlet Watershed
41. King William Island Watershed
42. Western Prince of Wales Island Watershed
43. Eastern Prince of Wales Island Watershed
44. Western Somerset Island Watershed
45. Eastern Somerset Island Watershed
46. Western Brodeur Peninsula Watershed
47. Admiralty Inlet Watershed
48. Eclipse Sound Watershed
49. Southwestern Baffin Bay Watershed
50. Northwestern Davis Strait Watershed
51. Northern Cumberland Sound Watershed
52. Southern Cumberland Sound Watershed
53. Frobisher Bay Watershed
54. Melville Island Watershed
55. Bathurst and Cornwallis Islands Watershed
56. Western Devon Island Watershed
57. Eastern Devon Island Watershed
58. Sverdrup Islands Watershed
59. Nansen and Eureka Sounds Watershed
60. Greely Fiord Watershed
61. Arctic Ocean and Lincoln Sea Watershed
62. Northeastern Ellesmere Island Watershed
63. Southeastern Ellesmere Island Watershed
64. South Ellesmere Island Watershed
65. Hudson Strait Watershed (North and West) (includes all the islands in the area that are not part of Quebec)