



Guide

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## Licensee Requirements following the Issuance of a Water Licence

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

NUNAVUT WATER BOARD

## TABLE OF CONTENTS

Important Notes.....	1
<b>PART 1: COMPLIANCE.....</b>	<b>2</b>
1. What is the purpose of this guide? .....	2
2. What may be required by the Board to comply with a water licence? .....	2
2.1. Annual reporting .....	2
2.2. Plan for compliance .....	3
2.3. Submission of documents for review and/or approval.....	3
2.4. As-Built (Record) Drawings .....	3
2.5. Water use fees .....	3
2.6. Security .....	4
3. How does the Board monitor for compliance? .....	5
4. How are licences enforced? .....	5
5. What may be required if the inspector issues a formal direction order? .....	6
6. What may happen if a licensee fails to follow direction provided by an inspector?6	
7. What can a licensee do if they do not agree with an inspector’s direction? .....	6
8. How can an interested person obtain copies of the inspection reports? .....	7
9. What happens if my water licence expires? .....	7
<b>PART 2: SUBSEQUENT WATER LICENCE APPLICATIONS .....</b>	<b>8</b>
1. What subsequent applications may follow the issuance of a water licence? .....	8
1.1. Renewals and Amendments .....	8
1.2. Cancellations .....	8
1.3. Assignments.....	8
2. What happens if the scope of my project changes during the term of my licence? .....	9
3. How do I apply for an amendment during the term of my licence? .....	9
4. What happens if the interest, title, or ownership of the licensed undertaking changes during the term of my licence?.....	12
5. How do I apply for a water licence assignment? .....	12
6. What happens if the name of the licensee changes?.....	14

7.	How do I prevent my licence from expiring? .....	14
8.	What happens if my water licence expires? .....	14
9.	How do I apply for a water licence renewal? .....	14
10.	Can I combine my renewal and amendment applications? .....	16
11.	How do I cancel a water licence? .....	17
12.	How does the NWB process an application for a water licence renewal and/or amendment? .....	17
13.	How long does the Board take to process a licence renewal and/or amendment? .....	18
14.	How does the NWB process applications for water licence assignment? .....	18
15.	How does the NWB process an application for a water licence cancellation? ....	19
16.	What does the Board do with inactive files? .....	19
17.	How do I contact the NWB? .....	20

#### LIST OF TABLES

Table 1: Amendment Application Checklist.....	11
Table 2: Assignment Application Checklist .....	13
Table 3: Renewal Application Checklist .....	16
Table 4: Cancellation Application Checklist .....	17

#### LIST OF APPENDICES

APPENDIX A – Application for Water Licence Renewal	
APPENDIX B – Application for Water Licence Amendment	
APPENDIX C-1 – Application for Assignment Form and Declaration of Licensee	
APPENDIX C-2 – Guide to Completing an Undertaking of Proposed Assignee	
APPENDIX C-3 – Undertaking of Proposed Assignee	
APPENDIX C-4 – Affidavit of Execution - Undertaking of Proposed Assignee	
APPENDIX D – Application for Licence Cancellation	

## LIST OF NWB GUIDANCE DOCUMENTS

- Guide 1 – The Nunavut Water Board
- Guide 2 – Terminology and Definitions
- Guide 3 – Activities that Require a Water Licence and Types of Water Licences
- Guide 4 – Completing and Submitting a Water Licence Application for a New Licence
- Guide 5 – Processing a Water Licence Application
- Guide 6 – Electronic Documentation: Submission and Registry
- Guide 7 – Licensee Requirements following the Issuance of a Water Licence
- Guide 8 – Community Consultation
- Rules of Practice and Procedure for Public Hearing
- 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 Nunavut Land Claims Agreement (NLCA), the Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA or Act), and the applicable 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 and the NLCA, the NWNSRTA or the applicable regulations, the NLCA, NWNSRTA, and the applicable 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.)*

## PART 1: COMPLIANCE

### 1. What is the purpose of this guide?

The licensee is responsible for maintaining compliance with the specific terms and conditions that make up a water licence. The purpose of this guide is to give assistance to licensee(s) in maintaining compliance with their licence. Maintaining compliance with a licence is important for the Board's administrative purposes and is a significant factor considered by the Board in its review of any subsequent licence renewal or amendment applications.

### 2. What may be required by the Board to comply with a water licence?

#### 2.1. Annual reporting

Typically, the licensee is required to submit an annual report to the Board that contains information about the project's activities and performance including:

- Data generated under the monitoring program;
- Quantities of water used;
- Quantities of waste discharged and disposed;
- Summary of any modifications and/ or maintenance work carried out
- List of unauthorized discharges and follow-up actions;
- Summary of any abandonment and restoration work completed;
- Any updates or revisions to management plans and/or manuals;
- Summary of any studies or reports requested by the Board and a description of any future studies planned; and
- Any other details requested by the Board that relate to water use and/or waste disposal.

Minimum reporting requirements for exploration and municipal projects are set out in the NWB's *Standardized Form for Annual Reporting* available from the NWB electronic public registry, however specific details may be required in an annual report depending upon the nature and complexity of the licence. Licensees of other types of projects must customize their own annual reports taking into consideration the annual report template submitted with their application and the conditions of their licence.

Generally, the Board imposes conditions on licences that require the submission of annual reports on March 31<sup>st</sup> of the year following the calendar year reported.

Annual reports are generally for the purpose of ensuring that the NWB has an accurate annual update of activities during the year. The reports are maintained on the public registry and distributed for information purposes to a list of interested parties including federal and territorial government departments, community representatives, Designated Inuit Organizations (DIO), Hunter and Trapper Organizations (HTO), as well as other agencies or individuals that the Board deems appropriate.

## **2.2. Plan for compliance**

In certain cases the Board may require the licensee to submit a plan for compliance that demonstrates the measures the licensee will undertake, including an implementation schedule to achieve full compliance with the conditions of a licence, taking into consideration the issues raised in any previous inspector reports. Such cases may include licences for projects that may foreseeably enter into a care and maintenance phase, or licences for projects where compliance problems have been identified.

## **2.3. Submission of documents for review and/or approval**

Licence terms and conditions may require the licensee to submit various plans, designs, and reports within specific timeframes for the Board's review and/ or approval.

Where approval of a document is required by the Board, the licensee is not permitted to implement any plans outlined in the document until such approval has been issued in writing. When requesting that plans be submitted for Board approval, the Board takes into consideration the project's schedule to the extent possible.

Upon submission of the document, the Board will distribute the document to a list of interested parties for public review and comment. Following the review, the Board may alter or modify a plan if necessary and will notify the licensee in writing of acceptance, rejection, or alteration of the plan. Generally, the Board requires approximately three (3) months to complete its review depending upon the complexity of the document and the degree of public interest in the document.

The licensee is advised to take into consideration any recommendations contained in the NWB's decision, comments received during the licensing process, any NWB approved guidelines, as well as any regulatory guidelines deemed appropriate in developing or updating such plans, designs and reports.

## **2.4. As-Built (Record) Drawings**

Licence terms and conditions may require the licensee to submit as-built (record) plans or drawings of the components approved as part of the licence as well as any modifications carried out on approved components in compliance with the licence conditions.

The NWB requires as-built (record) drawings, requiring the application of engineering principles, to be developed to professional engineering standards and under the professional responsibility of individuals and firms registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists (NAPEG). When submitting as-built (record) plans or drawings, the NWB encourages licensees to reference the NAPEG document "*A Guideline to the Use of Stamps*".

## **2.5. Water use fees**

Water use fees of varying amounts are required depending upon the classification of the undertaking and the amount of water authorized for use (not to be confused with the

amount of water actually used or the amount applied for). Section 9 of the *Northwest Territories Waters Regulations* (NTWR or Regulations) outlines the fees payable by a licensee for the right to the use of water and the NWB's *Guide 4: Completing and Submitting a Water Licence Application for a New Licence*, part 1, section 11 provides guidance regarding the calculation of water use fees.

A water use fee deposit of thirty dollars (\$30.00) Canadian (CDN) is required for all applications upon submission of an application in relation to a licence. The actual annual water use fee will be calculated by the NWB based upon the amount of water authorized for use in accordance with the Regulations at the time of issuance of the licence. The balance owing will be identified and due upon receipt of the licence. If the annual water use fee payable upon licence approval is less than the amount of the deposit, the difference will be refunded accordingly.

The fee for each subsequent year of the licence, or for any portion of the final year of the licence, is due in advance, on, or before the anniversary of the date of the issuance of the licence. When submitting water use fees, the period of applicability for the fee payment must be clearly defined, preferably in the cover letter to the submission. The Board does not send invoices for water use fee payment. It is the applicant's responsibility to make payments in a timely manner.

All fees must be submitted to the NWB in the form of a cheque, money order, or credit card information and made payable to the Receiver General for Canada. Do not send cash.

## **2.6. Security**

The Board may require a licensee to furnish and maintain security with the Minister, in an amount set by the Board and in a form that is satisfactory to the Minister.

The security provided by a licensee may be applied by the Minister to compensate persons entitled to compensation as described in the NWB's *Guide 4: Completing and Submitting a Water Licence Application for a New Licence*, or to reimburse the Minister for costs incurred in conducting remedial measures for the existing, closed or abandoned undertaking.

Upon permanent closure or abandonment of the undertaking to the satisfaction of the Minister, provisions exist in the *Nunavut Waters Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act) to return the security to the licensee.

### 3. How does the Board monitor for compliance?

The Board conducts periodic administrative compliance assessments to determine the licensee's status of compliance with administrative terms and conditions of the licence. This generally involves a review of the documents on the public registry related to the licence to determine whether required plans, reports and manuals were submitted and approved in accordance with licence conditions; a review of inspection reports and any responses provided by the licensee to address inspection requirements; and a determination of the status of project activities.

### 4. How are licences enforced?

The NWNSRTA provides for enforcement measures and penalties as well as the designation of qualified inspectors and analysts to facilitate such enforcement measures and penalties. Inspectors and analysts are designated by INAC.

The inspectors' powers, privileges and protections are granted to them by the Act or other applicable law and include the following:

- a) The inspector may enter any place in Nunavut in which the inspector has reason to believe that an undertaking is being constructed or modified, except for a private dwelling;
- b) The inspector may inspect the construction or modification of the undertaking in (a) to determine whether plans and specifications are being complied with and whether the construction or modification is likely to result in a contravention of any condition of a licence; and
- c) The inspector may enter any place in Nunavut, except a national park or a private dwelling, in which the inspector has reason to believe that waters are being used, waste is being or has been produced, or waste may be added to water. In that place, the inspector may examine any works, waters, or waste, open any container that the inspector reasonably believes contains waters or waste, and take samples of any such waste or waters.

When the inspector enters a site the licensee or a representative of the licensee is responsible for providing the inspector with all reasonable assistance and information to enable the inspector to carry out its duties.

During a site inspection, the inspector may observe the components of the project, check fuel and chemical spills, and collect water samples. Following the inspection, any water samples will be sent to a designated analyst. Following receipt of the analytical results the inspector will complete its inspection report and provide a copy of its inspection report to the licensee.

Often, instances of non-compliance with a water licence fall into one of the following three broad categories.

1. Minor Administrative – may be addressed by the inspector through written advice;

2. Non Compliant – may be addressed by the inspector through a request for voluntary abatement by the licensee or development of an action plan by the licensee; or
3. Major – repeated non-compliance – may be addressed by the inspector through issuance of a formal direction order to the licensee. See section 5 that follows for more information regarding formal direction orders.

5. What may be required if the inspector issues a formal direction order?

If an inspector has reason to believe that:

- the licensee is in contravention of the water licence,
- there has been or will be a failure of work related to the use of waters or deposit of waste, or
- the licensed activities are causing danger to persons, property or the environment,

an inspector may direct a licensee to:

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

6. What may happen if a licensee fails to follow direction provided by an inspector?

The focus of INAC's inspection and enforcement function is compliance. Inspectors and the department make every effort to work with licence holders and the NWB to help licence holders comply with the terms of their water licences. However, a licence holder who does not comply with the terms and conditions of a water licence or who does not follow the direction given by an inspector could be guilty of an offence under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

If a licensee fails to follow the direction provided by the inspector, remedial measures may be carried out by INAC on behalf of the Minister. The costs incurred in carrying out the prevention and/or remedial measures are either recovered through the security maintained with the Minister as described in section 2.6 of this Guide, or recovered as debt owed to the Minister from the licensee.

7. What can a licensee do if they do not agree with an inspector's direction?

A licence holder can ask the Minister to review the direction. The Minister has the authority to alter or revoke the direction or to confirm that the direction is appropriate.

8. How can an interested person obtain copies of the inspection reports?

Inspection reports are received by the NWB and uploaded to the NWB ftp site in a directory specific to the licence. A person interested in obtaining copies of inspection reports may request to be added to the NWB's distribution list. Once added to the NWB's distribution list, the person will receive all incoming information related to that file.

9. What happens if my water licence expires?

If the licence expires before it is renewed by the NWB, the water use and waste disposal must cease, otherwise the licensee will be in contravention of the *Nunavut Land Claims Agreement* (NLCA) and the Act. However, the expiry of the licence does not relieve the holder from any obligations imposed by the licence.

## PART 2: SUBSEQUENT WATER LICENCE APPLICATIONS

1. What subsequent applications may follow the issuance of a water licence?

As summarized in the following section, the Board may upon application, or in certain circumstances, on its own initiative, renew, amend, cancel and/or assign a water licence. The Board does not grant licence extensions.

### 1.1. Renewals and Amendments

The Board may, upon application by the licensee, renew a licence. An application may be classified as a renewal only if all operations remain the same as previously licensed and only the term of the licence requires change. Any requests for changes to terms and conditions of a licence require an amendment.

The Board may, upon application by the licensee, amend a water licence. The Board may also amend a water licence on its own initiative to deal with a water shortage or where the Board considers the amendment to be in the public interest.

Renewal and amendment applications may be combined and processed together as described in section 10 of this part of this Guide.

### 1.2. Cancellations

The Board may cancel a licence:

- a) On application by the licensee;
- b) Where the licensee, for three successive years, fails to exercise the licensee's rights under the licence; or
- c) Where the Board considers the cancellation to be in the public interest.

The expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.

### 1.3. Assignments

A sale or other disposition by a licensee of any right, title, or interest in an appurtenant undertaking constitutes, subject to the authorization of the Board, an assignment of the licence to the person to whom the sale or other disposition is made.

The Board, shall, on application, authorize the assignment of a licence if it is satisfied that the assignment and the operation of the appurtenant undertaking will not likely result in a contravention of any condition of a licence or any provision of the Regulations.

2. What happens if the scope of my project changes during the term of my licence?

If the licensee contemplates a change to the scope of a project from that originally licensed, meaning a change to or a new activity or component related to water use or waste disposal not previously licensed in the scope of the project, the licensee must apply for a water licence amendment from the NWB and is referred to part 2 section 3 of this Guide.

Among other things, an amendment may involve a change to a water source; the volume of water authorized for use; a new activity related to water use or waste disposal; a new component related to water use or waste disposal; and/or a change in predicted environmental impacts(s).

The licensee is also advised to contact the Nunavut Planning Commission (NPC) and the Nunavut Impact Review Board (NIRB) to determine whether the amendment changes any original NPC conformity determination and any NIRB screening determination or project certificate. The NWB cannot process an amendment application if the amendment changes any previous NPC or NIRB determination.

3. How do I apply for an amendment during the term of my licence?

To apply for a water licence amendment the licensee must provide written confirmation from the NPC and/or NIRB confirming whether or not the amendment changes any original NPC conformity determination and any NIRB screening determination or project certificate. This will be required by the NWB prior to issuing an amendment to the licence.

The licensee must also complete and submit the *Application for Water Licence Amendment* form contained in Appendix B of this Guide to identify the changes to the scope of the undertaking. This application form is formatted to mirror the sections of the NWB's *General Water Licence Application* form for ease of comparison and reference. Amendment applications must be submitted prior to the expected implementation of the amendment allowing sufficient time for processing (refer to section 13 of this part of this Guide).

Depending upon the scope of the project and the classification of undertaking, the licensee may also be required to provide supplemental information that addresses a Supplemental Information Guideline(s) (SIG). Even if information in respect of an SIG(s) was provided upon application for the original licence, the Board requires the licensee to submit updated information addressing the SIG. Legislation, policies, best management practices and the information needs of both the Board and other parties may all change over time. Requirements and plans that were previously accepted may no longer reflect current conditions.

Block 23 of the *Application for Water Licence Amendment* form requires the licensee to complete and submit a compliance assessment and status report. The licensee must contact the NWB for licence specific direction in completing this assessment and report. If significant issues with non-compliance exist, an amendment application may not be processed or issued until compliance is achieved. The licensee is advised to submit

supporting plans and/ or reports to demonstrate how compliance has been or will be achieved for the Board's consideration. If annual reporting is a condition of the licence, the licensee must submit any outstanding annual reports for previous years of operation.

Licensees applying for an amendment must also consider the expiry date of the current or original licence to prevent the licence from expiring before it is renewed. If the current licence is due to expire within at least 3 months for a type B licence or 12 months for a type A licence, the licensee must also apply for a renewal. Otherwise, the licensee must indicate that a renewal will not be required. Doing so provides the Board with sufficient time to process the application as a combined amendment and renewal if necessary.

The Board will only issue a licence amendment in the same name as the current licensee. If the name of the licensee is proposed to change, a licence assignment must be completed and approved. Refer to sections 4 and 5 of this part of this Guide for information regarding licence assignments.

Amendment applications that do not include all the checklist items listed in the following *Table 1: Amendment Application Checklist* will be returned to the applicant as incomplete with a request for the deficient information. The NWB's *Guide 4: Completing and Submitting a Water Licence Application for a New Licence* contains guidance relevant to the completion and submission of an amendment application.

**Table 1: Amendment Application Checklist**

<input type="checkbox"/>	Completion of the <b><u>Application for Water Licence Amendment Form</u></b> in accordance with the guidance provided in the NWB's <i>Guide 4-Completing and Submitting a Water Licence Application for a New Licence</i> (Guide 4), part 1, section 5..
<input type="checkbox"/>	Updated information that satisfies the checklist requirements outlined in any <b><u>Supplemental Information Guidelines</u></b> that are relevant to the project as described in part 1 section 6 of Guide 4 as well as updated information required to complete <b><u>Plans, including Designs and Reports</u></b> as described in Guide 4, part 1, section 7.
<input type="checkbox"/>	<b><u>Compliance Assessment/ Status Report.</u></b>
<input type="checkbox"/>	Indication of <b><u>Renewal Requirement.</u></b>
<input type="checkbox"/>	<b><u>Executive Summary</u></b> of the application in English as described in Guide 4, part 1 section 9.
<input type="checkbox"/>	<b><u>Translated Executive Summary</u></b> of the application into the appropriate language and dialect depending upon the applicable region as described in Guide 4, part 1, section 10.
<input type="checkbox"/>	<b><u>\$30.00 (CDN) Application fee</u></b> payable to the Receiver General for Canada in accordance with Guide 4, part 1, section 11.
<input type="checkbox"/>	<b><u>Water use fee</u></b> deposit accordance with Guide 1, part 1, section 11.

Typically, the conditions of an amended water licence are changed from the original licence.

#### 4. What happens if the interest, title, or ownership of the licensed undertaking changes during the term of my licence?

A sale or other disposition by a licensee (the “assignor”) of any right, title, or interest in an appurtenant undertaking requires an assignment of the licence, subject to the authorization of the Board, to the person to whom the sale or other disposition is made (the “assignee”). In summary, the Board will authorize the assignment of a licence if it is satisfied that the assignment and the operation of the undertaking will not likely result in a contravention of any condition of the licence or any provision of the legislation. The Board is also permitted to require a prospective assignee to furnish and maintain security.

It is very important for a potential assignee to understand that by undertaking the assignment of the licence the assignee is:

- Accepting responsibility for the performance of all of the terms and conditions of the licence and any and all requirements found in the NWNSRTA and the Regulations that were imposed on the assignor;
- Agreeing to accept and be responsible for all liabilities incurred as a result of the assignor’s actions to date under the licence; and
- Undertaking to pay any security required by the Board before initiating any activity under the licence.

To show that a potential assignee understands the implications of the assignment, the assignee must sign an *Undertaking of Proposed Assignee* in the presence of a witness who must also sign the Undertaking and file an *Affidavit of Execution - Undertaking of Proposed Assignee*. The witness must be a person who knows the assignee and actually witnesses the assignee signing the Undertaking.

The licensee is advised to contact other authorities to confirm their assignment requirements. Approval of an assignment from the NWB does not absolve the applicant from obtaining assignments from other authorities. Similarly, an assignment from another authority does not absolve the applicant from obtaining an assignment from the NWB.

#### 5. How do I apply for a water licence assignment?

An application for authorization for the assignment of a licence must be submitted by the existing licensee (assignor) to the Board not less than 45 days before the date on which the applicant proposes to assign the licence, and include the checklist items listed in the following *Table 2: Assignment Application Checklist*.

**Table 2: Assignment Application Checklist**

<input type="checkbox"/>	A completed <b><u>Application for Assignment</u></b> form, including the name and address of the assignee and executed <b><u>Declaration of Licensee</u></b> (refer to Appendix C-1).
<input type="checkbox"/>	An executed <b><u>Undertaking of Proposed Assignee</u></b> (refer to Appendix C-3) and <b><u>Affidavit of Execution – Undertaking of Proposed Assignee</u></b> (refer to Appendix C-4), including, if applicable, the corporation's Certificate of Incorporation. A <i>Guide to Completing an Undertaking of Proposed Assignee</i> is provided in Appendix C-2.
<input type="checkbox"/>	<b><u>Copies of all documents pertaining to the lease, sale, rental or other disposition of the property or the licence from one party to another.</u></b> These documents will be available to the public, so dollar figures may be blacked-out. The application will not be considered by the Board without these documents.
<input type="checkbox"/>	<b><u>A statement of financial responsibility of the assignee</u></b> prepared in accordance with the NWB's <i>Guide 4: Completing and Submitting a Water Licence Application for a New Licence</i> , part 1, section 5, Block 20.
<input type="checkbox"/>	For licences which require the provision of security, <b><u>a letter to the NWB from the Manager of Water Resources, Indian and Northern Affairs Canada (INAC)</u></b> , confirming that, subject to the approval of the Board, the assignee has furnished security in the amount required by the licence and in a form satisfactory to the Minister. The release of security furnished by the assignor is administered by INAC upon NWB confirmation of the assignment of the licence.
<input type="checkbox"/>	<b><u>An updated financial security assessment</u></b> prepared in accordance with Guide the NWB's <i>Guide 4: Completing and Submitting a Water Licence Application for a New Licence</i> , part 1, section 5, Block 19.
<input type="checkbox"/>	<b><u>Letters from each Designated Inuit Organization (DIO) and existing or other water users</u></b> confirming that the proposed assignment does not negatively impact any existing water compensation agreement(s).
<input type="checkbox"/>	<b><u>A statement of the assignee's capacity to implement the conditions of the water licence</u></b> and a <b><u>schedule for the implementation of all plans, manuals, and reports</u></b> to be submitted under the licence.
<input type="checkbox"/>	<b><u>\$30.00 (CDN) application fee</u></b> payable to the Receiver General for Canada.

## 6. What happens if the name of the licensee changes?

A change to the licensee's name does not qualify as an assignment provided no right, title, or interest in the appurtenant undertaking is transferred.

If the name of the licensee changes, the licensee must notify the Board by submitting a copy of the certificate of the name change and a cover letter. The NWB does not require a formal application or conduct a public review process for a name change. Upon receipt of the notification the Board will re-issue the licence in the new name.

## 7. How do I prevent my licence from expiring?

All licences have an expiration date not exceeding 25 years from the date of issuance. The licensee must check the expiration date and plan to apply to the NWB for a licence renewal at least either within at least 3 months for a type B licence or 12 months for a type A licence. Refer to section 9 of this part of this Guide for information on how to apply for a water licence renewal.

## 8. What happens if my water licence expires?

If a licence expires before it is renewed by the NWB, the water use and waste disposal must cease, otherwise the licensee will be in contravention of the *Nunavut Land Claims Agreement* (NLCA) and the Act. The expiry of the licence does not relieve the holder from any obligations imposed by the licence, unless the licence has been cancelled. Refer to section 11 of this part of this Guide for information on how to cancel a water licence.

## 9. How do I apply for a water licence renewal?

If the licensee contemplates the renewal of a licence, it is the responsibility of the licensee to apply to the NWB prior to the expiry of the licence allowing sufficient time for processing (refer to section 13 of this Guide). In doing so, the Board requires that the licensee clearly distinguish whether their application is just for a renewal or whether it also includes any amendments. An amendment may involve a change to water source; a change to the volume of water authorized for use; a new activity related to water use or waste disposal; a new component related to water use or waste disposal; and/or a change in predicted environmental impact(s). If amendments are involved refer to section 10 of this part of this Guide.

To apply for a simple water licence renewal without any amendment, the licensee must complete and submit the *Application for Water Licence Renewal* form provided in Appendix A of this Guide confirming that the application requires no changes from the scope of the project previously authorized. This application form is formatted to mirror the sections of the NWB's *General Water Licence Application* form for ease of comparison and reference.

The licensee must also submit updated plans including designs and reports if plans on the public registry are over three (3) years old or outdated. Legislation, policies, best

management practices and the information needs of both the Board and other parties may all change over time. Requirements and plans that were previously accepted may no longer reflect current conditions.

Block 23 of the *Application for Water Licence Renewal* form requires the licensee to complete and submit a compliance assessment/ status report. If significant issues with non-compliance exist, a renewal application may not be processed or issued until compliance is achieved. The licensee is advised to submit supporting plans and/ or reports to demonstrate how compliance has been or will be achieved for the Board's consideration. If annual reporting is a condition of the licence, the licensee must submit any outstanding annual reports for previous years of operation.

The Board will only issue a renewed licence in the same name as the current licensee. If the name of the licensee is proposed to change, a licence assignment must be completed and approved. Refer to sections 4 and 5 of this part of this Guide for information regarding licence assignments.

Renewal applications that do not include all the checklist items listed in the following *Table 3: Renewal Application Checklist* will be returned to the applicant as incomplete with a request for the deficient information. The NWB's *Guide 4: Completing and Submitting a Water Licence Application for a New Licence* contains additional guidance relevant to the completion and submission of a renewal application.

**Table 3: Renewal Application Checklist**

<input type="checkbox"/>	Completion of the <b><u>Application for Water Licence Renewal Form</u></b> in accordance with the guidance provided in the NWB's <i>Guide 4-Completing and Submitting a Water Licence Application for a New Licence</i> (Guide 4), part 1, section 5.
<input type="checkbox"/>	Updated <b><u>Plans, including Designs and Reports</u></b> as described in Guide 4, part 1 section 7.
<input type="checkbox"/>	Updated <b><u>Security Assessment</u></b> as described in Guide 4, part 1, section 5, Block 19.
<input type="checkbox"/>	Updated <b><u>Financial Statement</u></b> as described in Guide 4, part 1, section 5, Block 20.
<input type="checkbox"/>	<b><u>Compliance Assessment/ Status Report.</u></b>
<input type="checkbox"/>	<b><u>Executive Summary</u></b> of the application in English as described in Guide 4, part 1 section 9.
<input type="checkbox"/>	<b><u>Translated Executive Summary</u></b> of the application into the appropriate language and dialect depending upon the applicable region as described in Guide 4, part 1 section 10.
<input type="checkbox"/>	<b><u>\$30.00 (CDN) Application fee</u></b> payable to the Receiver General for Canada in accordance with part 1 section 11 of Guide 4.
<input type="checkbox"/>	<b><u>Water use fee</u></b> deposit accordance with Guide 4, part 1, section 11.

The Board may, upon review of the renewal application, determine that the conditions of a renewed water licence should be changed from the previous licence.

10. Can I combine my renewal and amendment applications?

Yes, when the timing for a renewal and amendment coincides, combining the applications is preferable. Combining the applications allows them to be processed more efficiently as one application.

Licensees applying for an amendment must combine the amendment with a renewal if the current licence is due to expire within at least 3 months for a type B licence or 12

months for a type A licence. Otherwise, the licensee must indicate that a renewal will not be required.

Similarly, licensees applying for a renewal that includes changes to the water source; volume of water authorized for use; a new activity related to water use or waste disposal; a new component related to water use or waste disposal; and/or a change in predicted environmental impacts, must combine the renewal application with an amendment application.

The requirements of a combined renewal and amendment application are the same as those for an amendment application described in section 3 of this part of this Guide.

#### 11. How do I cancel a water licence?

The Board may cancel a licence on application by the licensee. An application for cancellation of a licence must be in writing and set out the reason for the requested cancellation and a description of the measures taken or proposed to be taken, prior to cancellation, for abandonment of the appurtenant undertaking. An *Application for Water Licence Cancellation* is included in Appendix D of this Guide.

Cancellation applications that do not include all the checklist items listed in the following *Table 4: Cancellation Application Checklist* will be returned to the applicant as incomplete with a request for the deficient information.

**Table 4: Cancellation Application Checklist**

<input type="checkbox"/> Completion of the <b><u>Application for Water Licence Cancellation.</u></b>
<input type="checkbox"/> <b><u>Application for Certificate of Completion or Certificate of Closure.</u></b>
<input type="checkbox"/> <b><u>\$30.00 (CDN) Application fee</u></b> payable to the Receiver General for Canada in accordance with Guide 4, part 1, section 11.

#### 12. How does the NWB process an application for a water licence renewal and/or amendment?

The process to renew and/or amend a water licence is the same as that for a new licence. The NWB's *Water Licensing Process Flowcharts and Time Charts* illustrates the process which is described in more detail in the NWB's *Guide 5: Processing a Water Licence Application*.

The past performance of the licensee, new documentation and information, and issues raised during a public hearing, if the NWB decides to hold one, are considered to develop the terms and conditions of any licence renewal and/or amendment.

In processing a water licence renewal and/or amendment the Board is also required to re-assess the amount of security needed for compensation and remedial purposes as well as the licensee's ability to maintain adequate financial responsibility for the undertaking.

13. How long does the Board take to process a licence renewal and/or amendment?

The time to process a renewal and/or amendment application is the same as that for a new licence as outlined in the time charts for type B and A licences contained in the NWB's *Guide 5: Processing Water Licence Applications* Appendices B and C respectively.

Typically, after confirming that any pre-licensing land use or development impact requirements have been met, allow approximately three (3) months for the processing of a type B renewal and/or amendment application and approximately one year for the processing of a type A renewal and/or amendment. Where a public hearing is not required for an application and the Board determines that there are urgent circumstances that justify the Board acting on that application in a shorter period of time, the Board may shorten the public notice of the application to not less than ten (10) days. In emergency circumstances, with the consent of the Minister, the Board may waive the requirement for a public hearing for an application for amendment and dispense with the public notice period.

For clarity, the Board does not consider delayed filing of an application on behalf of the applicant as an urgent circumstance or an emergency situation. It is the responsibility of the applicant to undertake proper planning to ensure applications are submitted with sufficient time for the NWB to conduct its process. Generally, for an application to be deemed urgent by the Board, the applicant is required to demonstrate that unless the application is expedited through the process, there will be an adverse environmental consequence

14. How does the NWB process applications for water licence assignment?

Upon submission of a complete assignment application, the NWB gives notice of the application. Typically, the NWB will give notice via email by referring the application to a distribution list comprised of interested parties including the applicant, federal and territorial government departments, community representatives, Designated Inuit Organizations (DIO), Hunter and Trapper Organizations (HTO), as well as other agencies or individuals that the Board deems appropriate.

The notice invites persons to provide representations within a specified time period, usually a minimum of thirty (30) days during which time the Board may not act on the application.

Information and correspondence related to the application is uploaded to the NWB electronic public registry in a directory identified by the licence number.

The general timeframe for completing the water licence assignment process is 45 days subject to the submission of a complete application and project specific considerations.

15. How does the NWB process an application for a water licence cancellation?

The NWB processes water licence cancellation applications in the same manner as assignment applications. Refer to section 14 of this part of this Guide.

16. What does the Board do with inactive files?

If the Board opens a file upon submission of an application and the applicant does not respond to application specific requests or requirements of the NWB such that the file remains inactive for an extended period of time, the NWB may contact the applicant to close the file.

## 17. 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@nunavutwaterboard.org](mailto:licensing@nunavutwaterboard.org)

Website: <http://www.nunavutwaterboard.org/>

All correspondence with the NWB related to a water licence application or approved licence must reference the application or licence number, the project name as well as the applicant's name. E-mail correspondence must include this information in the e-mail subject line.

FTP Site: <a href="ftp://nunavutwaterboard.org/">ftp://nunavutwaterboard.org/</a> Username: public Password: registry
---

## APPENDIX A

### Application for Water Licence Renewal



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

NUNAVUT WATER BOARD  
OFFICE DES EAUX DU NUNAVUT

## APPLICATION FOR WATER LICENCE RENEWAL

Your application may be classified as a **renewal** only if all operations remain the same as previously licensed and only the term of the licence requires change. If your application contemplates:

- a change to water source;
- a change to the volume of water authorized for use;
- a new activity related to water use or waste disposal;
- a new component related to water use or waste disposal;
- a change in predicted environmental impacts(s); and/or
- a change to any term or condition of the original licence

your application is **NOT** classified as a renewal but rather an amendment and will require submission of an application for water licence amendment.

EXISTING LICENCE NO: \_\_\_\_\_

### 1. LICENSEE CONTACT INFORMATION

Is the name of the licensee the same as the name on the existing licence?

Yes  No

If no, a licence assignment must be completed and approved by the NWB. **Renewal will only be issued in the name of the current licensee in the absence of assignment of the licence.**

Name:

Address:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

e-mail: \_\_\_\_\_

**2. LICENSEE REPRESENTATIVE CONTACT INFORMATION**

Name:

Address:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

e-mail: \_\_\_\_\_

**3. NAME OF PROJECT**

**4. LOCATION OF UNDERTAKING**

Is the location of the undertaking the same as that considered in the existing water licence?

Yes  No

**Project Extents**

NW: Latitude: ( ° ' " N)

Longitude: ( ° ' " W)

NE: Latitude: ( ° ' " N)

Longitude: ( ° ' " W)

SE: Latitude: ( ° ' " N)

Longitude: ( ° ' " W)

SW: Latitude: ( ° ' " N)

Longitude: ( ° ' " W)

**Camp Location(s)**

Latitude: ( ° ' " N)

Longitude: ( ° ' " W)

**5. MAP**

Attach a topographical map, indicating the main components of the undertaking

NTS Map Sheet No. \_\_\_\_\_

Scale: \_\_\_\_\_

**6. NATURE OF THE INTEREST IN THE LAND**

Is the nature of the interest in the land the same as that considered in the existing water licence?

Yes       No

Check any of the following that are applicable to the proposed undertaking (at least one box must be checked)

**Sub-surface**

Mineral Lease from Nunavut Tunngavik Incorporated (NTI)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Mineral Lease from Indian and Northern Affairs Canada (INAC)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

**Surface**

Crown Land Use Authorization from Indian and Northern Affairs Canada (INAC)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Inuit Owned Land (IOL) Authorization from Kitikmeot Inuit Association (KIA)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

IOL Authorization from Kivalliq Inuit Association (KivIA)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

IOL Authorization from Qikitani Inuit Association (QIA)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Commissioner's Land Use Authorization  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Other \_\_\_\_\_

Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Is the name of the entity(s) holding authorizations the same as that considered in the existing water licence?

Yes       No

If no, a licence assignment must be completed and approved by the NWB.

Name of entity(s) holding authorizations:

\_\_\_\_\_

**7. NUNAVUT PLANNING COMMISSION (NPC) DETERMINATION**

Is the undertaking located in the same land use planning area as that considered in the existing licence?

Yes  No

Indicate the land use planning area in which the project is located

<input type="checkbox"/> North Baffin	<input type="checkbox"/> Keewatin
<input type="checkbox"/> South Baffin	<input type="checkbox"/> Sanikiluaq
<input type="checkbox"/> Akunnig	<input type="checkbox"/> West Kitikmeot

Was a land use plan conformity determination required from NPC prior to the issuance of the existing water licence?

Yes  No

If Yes, indicate date issued and attach copy \_\_\_\_\_

Does the proposed renewal change the original NPC conformity determination or the need to obtain one?

Yes  No

If Yes, indicate date issued (or expected) and attach a copy \_\_\_\_\_  
If No, provide written confirmation from NPC confirming that a land use plan conformity review is not required.

**8. NUNAVUT IMPACT REVIEW BOARD (NIRB) DETERMINATION**

Was a screening determination required from NIRB prior to the issuance of the existing water licence?

Yes  No

If Yes, indicate date issued and attach copy \_\_\_\_\_

Does the proposed renewal change the original NIRB screening determination or the need to obtain one?

Yes  No

If Yes, indicate date issued (or expected) and attach a copy \_\_\_\_\_  
If No, provide written confirmation from NIRB confirming that a screening determination is not required.

**9. DESCRIPTION OF UNDERTAKING - Attach plans and drawings or project proposal**

**10. OPTIONS - Provide a brief explanation of the alternative methods or locations that were considered to carry out the project.**

**11. CLASSIFICATION OF PRIMARY UNDERTAKING**

Is the primary undertaking the same as that considered in the existing water licence?

Yes       No

Indicate the primary classification of undertaking by checking one of the following boxes

- |   |   |
|---|---|
| <input type="checkbox"/> Industrial   | <input type="checkbox"/> Agricultural                             |
| <input type="checkbox"/> Mining and Milling (includes exploration/drilling/exploration camps) |   |
| <input type="checkbox"/> Conservation   |   |
| <input type="checkbox"/> Municipal (includes camps/lodges)                                    | <input type="checkbox"/> Recreational                             |
| <input type="checkbox"/> Power  | <input type="checkbox"/> Miscellaneous (describe below):<br>_____ |

**12. WATER USE**

Is the type(s) of water use(s) the same as that considered in the existing water licence?

Yes       No

Check the appropriate box(s) to indicate the type(s) of water use(s) being applied for.

- |  |   |
|--|---|
| <input type="checkbox"/> To obtain water for domestic purposes   | <input type="checkbox"/> Flood control                              |
| <input type="checkbox"/> To obtain water for industrial purposes | <input type="checkbox"/> To divert a watercourse                    |
| <input type="checkbox"/> To cross a watercourse                  | <input type="checkbox"/> To modify the bed or bank of a watercourse |
| <input type="checkbox"/> To alter the flow of, or store water    | <input type="checkbox"/> Other: _____                               |

**13. QUANTITY OF WATER INVOLVED**

Is the source of water the same as that considered in the existing licence?  Yes  No

Name of water source(s): \_\_\_\_\_  
(show location(s) on map)

Is the quality of the water source and/or its available capacity the same as that considered in the existing licence?

Yes  No

Describe the quality of the water source(s) and the available capacity: \_\_\_\_\_

Is the quantity of water to be used from each source the same as that considered in the existing licence?

Yes  No

Estimated quantity(s) of water to be used from each source:

- 100m<sup>3</sup>/day or less
- Greater than 100m<sup>3</sup>/day

Indicate the estimated quantities to be used for each purpose (camp, drilling, etc.)

\_\_\_\_\_

Is the method of extraction the same as that considered in the existing licence?  Yes  No

Describe the method of extraction: \_\_\_\_\_

Is the quantity of water returned to source(s) the same as that considered in the existing licence?  Yes  No

Estimated quantity(s) of water returned to source(s) \_\_\_\_\_ m<sup>3</sup>/day

Is the quality of water returned to source(s) the same as that considered in the existing licence?

Yes  No

Describe the quality of water returned to source(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**14. WASTE**

Is the type(s) of waste(s) to be generated and/ or deposited the same as that considered in the existing licence?

Yes  No

Check the appropriate box(s) to indicate the types of waste(s) generated and deposited

- |  |   |
|--|---|
| <input type="checkbox"/> Sewage                  | <input type="checkbox"/> Waste oil                      |
| <input type="checkbox"/> Solid Waste             | <input type="checkbox"/> Greywater                      |
| <input type="checkbox"/> Hazardous               | <input type="checkbox"/> Sludges                        |
| <input type="checkbox"/> Bulky Items/Scrap Metal | <input type="checkbox"/> Contaminated soil and/or water |
| <input type="checkbox"/> Animal Waste            |   |
| <input type="checkbox"/> Other (describe): _____ |   |

**15. QUANTITY AND QUALITY OF WASTE INVOLVED**

Is the quantity of the types of wastes involved the same as that considered in the existing licence?

Yes  No

Is the composition of the types of wastes involved the same as that considered in the existing licence?

Yes  No

Is the method of treatment for the types of waste involved the same as that considered in the existing licence?

Yes  No

Is the method of disposal for the types of waste involved the same as that considered in the existing licence?

Yes  No

For each type of waste indicated in Block 13, describe its composition, quantity in cubic meters/day, method of treatment and method of disposal.

Type of Waste	Composition	Quantity Generated	Treatment Method	Disposal Method

**16. OTHER AUTHORIZATIONS**

In addition to the sub-surface and surface land use authorizations provided in Block 6, are the same authorizations required as considered in the existing licence?

Yes  No

Authorization: \_\_\_\_\_

Administering Agency: \_\_\_\_\_

Project Activity: \_\_\_\_\_

Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

**17. PREDICTED ENVIRONMENTAL IMPACTS OF UNDERTAKING AND PROPOSED MITIGATION MEASURES**

Are predicted environmental impacts of the undertaking and proposed mitigation measures the same as those considered in the existing water licence?

Yes  No

Describe direct, indirect, and cumulative impacts

**18. WATER RIGHTS OF EXISTING AND OTHER WATER USERS**

Are the effects of the undertaking on any known persons or property including those that hold licences for water use in precedence to the application, domestic users, in-stream users, authorized waste depositors, owners of property, occupiers of property, and/or holders of outfitting concessions, registered trapline holders, and holders of other rights of a similar nature, the same as those considered in the existing water licence?

Yes  No

Provide the names, addresses and nature of use for any known persons or properties that may be adversely affected by the proposed undertaking, including those that hold licences for water use in precedent to the application, domestic users, in-stream users, authorized waste depositors, owners of property, occupiers of property, and/or holders of outfitting concessions, registered trapline holders, and holders of other rights of a similar nature.

Advise the Board if compensation has been paid and/or agreement(s) for compensation have been reached with any existing or other users.

**19. INUIT WATER RIGHTS**

Are the effects of the undertaking on the quality, quantity or flow of waters flowing through Inuit Owned Land (IOL) the same as those considered in the existing water licence?

Yes  No

Advise the Board of any substantial affect of the quality, quantity or flow of waters flowing through Inuit Owned Land (IOL), and advise the Board if negotiations have commenced or an agreement to pay compensation for any loss or damage has been reached with one or more Designated Inuit Organization (DIO).

**20. CONSULTATION** - Provide a summary of any consultation meetings including when the meetings were held, where and with whom. Include a list of concerns expressed and measures to address concerns,

**21. SECURITY INFORMATION**

Is the financial security assessment the same as that considered in the existing water licence?

Yes  No

Is the estimate of the total financial security for final reclamation the same as that considered in the existing water licence?

Yes  No

Provide an updated financial security assessment prepared in a manner consistent with the principals respecting mine site reclamation and implementation found in the *Mine Site Reclamation Policy for Nunavut*, Indian and Northern Affairs Canada, 2002.

Provide an updated estimate of the total financial security for final reclamation equal to the total outstanding reclamation liability for land and water combined sufficient to cover the highest liability over the life of the undertaking. Estimates of reclamation costs must be based on the cost of having the necessary reclamation work done by a third party contractor if the operator defaults.

**22. FINANCIAL INFORMATION**

Is the statement of financial security the same as that considered in the existing water licence?

Yes  No

Provide an updated statement of financial security.

If the applicant is a business entity, provide a list of the officers of the company.

If the applicant is a business entity attach a copy of the Certificate of Incorporation or evidence of registration of the company name.

**23. STUDIES UNDERTAKEN TO DATE**

List and attach updated studies, reports, research etc.

Provide a compliance assessment and status report including a response to any inspector's reports. The licensee must contact the NWB for licence specific direction in completing the assessment and report.

If in non-compliance, a licence may not be issued until compliance is achieved. If in non-compliance, attach plans/reports for consideration. Application will not be processed if significant issues of non-compliance exist.

**24. PROPOSED TIME SCHEDULE**

Is the time schedule for all phases of development (construction, operations, closure and post closure) the same as that considered in the existing licence?

Yes  No

Indicate the proposed start and completion dates for each applicable phase of development (construction, operation, closure, and post closure)

Construction

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_  
(month/year) (month/year)

Operation

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_  
(month/year) (month/year)

Closure

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_  
(month/year) (month/year)

Post - Closure

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_  
(month/year) (month/year)

For each applicable phase of development indicate which season(s) activities occur

Construction

Winter  Spring  Summer  Fall  All season

Operation

Winter  Spring  Summer  Fall  All season

Closure

Winter  Spring  Summer  Fall  All season

Post - Closure

Winter  Spring  Summer  Fall  All season

**25. ANNUAL REPORTING** - Provide details regarding the content of annual reports and a proposed outline or template of the annual report.

**26. PROPOSED TERM OF LICENCE**

On what date does the existing licence expire? \_\_\_\_\_

Indicate the proposed term of the renewal (maximum of 25 years): \_\_\_\_\_

Proposed date of renewal issuance: \_\_\_\_\_ Proposed Expiry Date: \_\_\_\_\_  
(month/year) (month/year)

**27. CHECKLIST**

The following must be included with the application for renewal for the water licensing process to begin

Completed Application for Water Licence Renewal form

Yes                       No                      If no, date expected \_\_\_\_\_

Updated plans, including designs and reports (see Block 23)

Yes                       No                      If no, date expected \_\_\_\_\_

Updated security assessment (see Block 21)

Yes                       No                      If no, date expected \_\_\_\_\_

Updated financial statement (see Block 22)

Yes                       No                      If no, date expected \_\_\_\_\_

Compliance Assessment / Status Report (see Block 23)

Yes                       No                      If no, date expected \_\_\_\_\_

English Summary of Renewal Application

Yes                       No                      If no, date expected \_\_\_\_\_

Inuktitut and/or Inuinnaqtun Summary of Renewal Application

Yes                       No                      If no, date expected \_\_\_\_\_

Application fee of \$30.00 CDN (Payee Receiver General for Canada)

Yes                       No                      If no, date expected \_\_\_\_\_

Water Use fee of \$30.00 CDN (Payee Receiver General for Canada)

Yes                       No                      If no, date expected \_\_\_\_\_

**28. SIGNATURE**

I, \_\_\_\_\_ (print name)

certify that the application requires no changes to water use or waste disposal as previously authorized and that the information given on this form is, to the best of my knowledge, correct and complete.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**For Nunavut Water Board office use only**

**APPLICATION FEE**      Amount: \$ \_\_\_\_\_      Pay ID No.: \_\_\_\_\_

**WATER USE DEPOSIT**      Amount: \$ \_\_\_\_\_      Pay ID No.: \_\_\_\_\_

## APPENDIX B

### Application for Water Licence Amendment



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

NUNAVUT WATER BOARD  
OFFICE DES EAUX DU NUNAVUT

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### APPLICATION FOR WATER LICENCE AMENDMENT

**EXISTING LICENCE NO:** \_\_\_\_\_

#### 1. LICENSEE CONTACT INFORMATION

Is the name of the licensee the same as the name in the existing licence?

Yes  No

If no, a licence assignment must be completed and approved by the NWB. **Amendment will only be issued in the name of the current licensee in the absence of assignment of the licence.**

Name:

Address:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

e-mail: \_\_\_\_\_

#### 2. LICENSEE REPRESENTATIVE CONTACT INFORMATION

Name:

Address:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

e-mail: \_\_\_\_\_

#### 3. NAME OF PROJECT

#### 4. LOCATION OF UNDERTAKING

Is the location of the amended undertaking the same as the existing undertaking?

Yes  No

If no, provide the amended project extents and camp locations

##### Project Extents

NW: Latitude: (   °   '   " N)	Longitude: (   °   '   " W)
NE: Latitude: (   °   '   " N)	Longitude: (   °   '   " W)
SE: Latitude: (   °   '   " N)	Longitude: (   °   '   " W)
SW: Latitude: (   °   '   " N)	Longitude: (   °   '   " W)

##### Camp Location(s)

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

#### 5. MAP

Attach a topographical map, indicating the main components of the undertaking and distinguishing between existing components and proposed amendments

NTS Map Sheet No. \_\_\_\_\_      Scale: \_\_\_\_\_

## 6. NATURE OF THE INTEREST IN THE LAND

Does the proposed amendment change the nature of the interest in the land?  Yes  No

If yes, indicate changes? \_\_\_\_\_

Check any of the following that are applicable to the proposed undertaking (at least one box must be checked) distinguishing between existing and amended interests

### Sub-surface

Mineral Lease from Nunavut Tunngavik Incorporated (NTI)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Mineral Lease from Indian and Northern Affairs Canada (INAC)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

### Surface

Crown Land Use Authorization from Indian and Northern Affairs Canada (INAC)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Inuit Owned Land (IOL) Authorization from Kitikmeot Inuit Association (KIA)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

IOL Authorization from Kivalliq Inuit Association (KivIA)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

IOL Authorization from Qikiqtani Inuit Association (QIA)  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Commissioner's Land Use Authorization  
Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Other \_\_\_\_\_

Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

Is the name of the entity(s) holding authorizations the same as it was when the existing licence was issued?

Yes  No

If no, a licence assignment must be completed and approved by the NWB.

### 7. NUNAVUT PLANNING COMMISSION (NPC) DETERMINATION

Indicate the land use planning area in which the existing undertaking is located

- |                                       |   |
|---------------------------------------|---|
| <input type="checkbox"/> North Baffin | <input type="checkbox"/> Keewatin       |
| <input type="checkbox"/> South Baffin | <input type="checkbox"/> Sanikiluaq     |
| <input type="checkbox"/> Akunnig      | <input type="checkbox"/> West Kitikmeot |

Does the proposed amendment move the undertaking to a different land use planning area?

- Yes  No

If yes, indicate the land use planning area in which the amended undertaking is located

- |                                       |   |
|---------------------------------------|---|
| <input type="checkbox"/> North Baffin | <input type="checkbox"/> Keewatin       |
| <input type="checkbox"/> South Baffin | <input type="checkbox"/> Sanikiluaq     |
| <input type="checkbox"/> Akunnig      | <input type="checkbox"/> West Kitikmeot |

Was a land use plan conformity determination required from NPC prior to the issuance of the existing licence?

- Yes  No

If Yes, indicate date issued and attach copy \_\_\_\_\_

Does the proposed amendment change the original NPC conformity determination or the need to obtain one?

- Yes  No

If Yes, indicate date issued and attach a copy \_\_\_\_\_

If No, provide written confirmation from NPC confirming that a land use plan conformity review is not required.

### 8. NUNAVUT IMPACT REVIEW BOARD (NIRB) DETERMINATION

Was a screening determination required from NIRB prior to the issuance of the existing licence?

- Yes  No

If Yes, indicate date issued and attach copy \_\_\_\_\_

Does the proposed amendment change the original NIRB screening determination or the need to obtain one?

- Yes  No

If Yes, indicate date issued and attach a copy \_\_\_\_\_

If No, provide written confirmation from NIRB confirming that a screening determination is not required.

### 9. DESCRIPTION OF UNDERTAKING - Attach plans and drawings or amended project proposal

### 10. OPTIONS - Provide a brief explanation of the alternative methods or locations that were considered to carry out the project.

### 11. CLASSIFICATION OF PRIMARY UNDERTAKING

Indicate the primary classification of undertaking for the existing licence by checking one of the following boxes:

- |   |  |
|---|--|
| <input type="checkbox"/> Industrial   | <input type="checkbox"/> Agricultural                    |
| <input type="checkbox"/> Mining and Milling (includes exploration/drilling/exploration camps) |  |
| <input type="checkbox"/> Conservation   | <input type="checkbox"/> Recreational                    |
| <input type="checkbox"/> Municipal (includes camps/lodges)                                    | <input type="checkbox"/> Miscellaneous (describe below): |
| <input type="checkbox"/> Power  |  |

See Schedule II of *Northwest Territories Waters Regulations* for Description of Undertakings

Does the proposed amendment change the classification of primary undertaking?  Yes  No

If Yes, indicate the primary undertaking of the amendment: \_\_\_\_\_

Information in accordance with applicable Supplemental Information Guidelines (SIG) must be updated and submitted with an application for amendment even if the information was submitted as part of the application for the existing licence. Indicate which SIG(s) are applicable to your application.

- Hydrostatic Testing
- Tannery
- Tourist / Remote Camp
- Landfarm & On-Site Storage of Hydrocarbon Contaminated Soil
- Onshore Oil and Gas Exploration Drilling
- Mineral Exploration / Remote Camp
- Advanced Exploration
- Mine Development
- Municipal
- General Water Works
- Power

### 12. WATER USE

Indicate using the boxes below, the type(s) of water use(s) approved in the existing licence?

- |  |   |
|--|---|
| <input type="checkbox"/> To obtain water for domestic purposes   | <input type="checkbox"/> Flood control                              |
| <input type="checkbox"/> To obtain water for industrial purposes | <input type="checkbox"/> To divert a watercourse                    |
| <input type="checkbox"/> To cross a watercourse                  | <input type="checkbox"/> To modify the bed or bank of a watercourse |
| <input type="checkbox"/> To alter the flow of, or store water    | <input type="checkbox"/> Other: _____                               |

Does the proposed amendment change the type(s) of water use(s)?  Yes  No

If Yes, indicate the amendment(s) to the type(s) of water use(s) noting any water use(s) that are to be added, continued or removed \_\_\_\_\_

**13. QUANTITY OF WATER INVOLVED**

Does the proposed amendment change the source of water?  Yes  No

Indicate the amended water source(s) noting any water sources that are to be added, continued or removed

\_\_\_\_\_

Does the proposed amendment change the quality of the water source and/or its available capacity?

Yes  No

Describe the quality of the water source(s) and the available capacity: \_\_\_\_\_

\_\_\_\_\_

Does the proposed amendment change the quantity of water to be used from each source?

Yes  No

Estimated quantity(s) of water to be used from each source:

- 100m<sup>3</sup>/day or less
- Greater than 100m<sup>3</sup>/day

Indicate the estimated quantities to be used for each purpose (camp, drilling, etc.)

\_\_\_\_\_

Does the proposed amendment change the method of extraction?  Yes  No

Describe the method of extraction: \_\_\_\_\_

Does the proposed amendment change the quantity of water returned to source(s)?  Yes  No

Estimated quantities of water returned to source(s): \_\_\_\_\_ m<sup>3</sup>/day

Does the proposed amendment change the quality of water returned to source(s)?  Yes  No

Describe the quality of water returned to source(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**14. WASTE**

Check the appropriate box(es) to indicate the type(s) of waste(s) approved in the existing licence:

- |  |   |
|--|---|
| <input type="checkbox"/> Sewage                  | <input type="checkbox"/> Waste oil                      |
| <input type="checkbox"/> Solid Waste             | <input type="checkbox"/> Greywater                      |
| <input type="checkbox"/> Hazardous               | <input type="checkbox"/> Sludges                        |
| <input type="checkbox"/> Bulky Items/Scrap Metal | <input type="checkbox"/> Contaminated soil and/or water |
| <input type="checkbox"/> Animal Waste            |   |
| <input type="checkbox"/> Other (describe): _____ |   |

Does the proposed amendment change the type(s) of waste(s) to be generated and/ or deposited?

- Yes  No

If Yes, indicate the amendments to the type(s) of waste(s) to be generated and/or deposited noting the addition, removal or continued generation and/or disposal of waste(s) \_\_\_\_\_

**15. QUANTITY AND QUALITY OF WASTE INVOLVED**

Does the proposed amendment change the quantity or quality of any of the types of wastes involved?

- Yes  No

If Yes, which type(s) of waste(s) \_\_\_\_\_

For each type of waste to be generated and disposed complete the following table:

Type of Waste	Composition	Quantity Generated	Treatment Method	Disposal Method

### 16. OTHER AUTHORIZATIONS

Does the proposed amendment change the need for other authorizations in addition to the sub-surface and surface land use authorizations provided in Block 6?  Yes  No

If Yes, indicate any additional authorizations required, indicate which authorizations are no longer required, and which authorizations continue to be required.

For each provide the following:

Authorization: \_\_\_\_\_

Administering Agency: \_\_\_\_\_

Project Activity: \_\_\_\_\_

Date (expected date) of issuance: \_\_\_\_\_ Date of expiry: \_\_\_\_\_

### 17. PREDICTED ENVIRONMENTAL IMPACTS OF UNDERTAKING AND PROPOSED MITIGATION MEASURES

Does the proposed amendment change the predicted environmental impacts of the undertaking and the proposed mitigation measures?  Yes  No

Describe direct, indirect, cumulative impacts, etc.

### 18. WATER RIGHTS OF EXISTING AND OTHER USERS OF WATER

Was compensation paid and/or an agreement(s) for compensation been entered into with any existing or other users of water during consideration of the existing licence?

Yes  No

If Yes, provide the names, addresses and the nature of water use by those persons or properties.

Does the proposed amendment adversely affect any known persons or property including those that hold licences for water use in precedence to the application, domestic users, in-stream users, authorized waste depositors, owners of property, occupiers of property, and/or holders of outfitting concessions, registered trapline holders, and holders of other rights of a similar nature?

Yes  No

If Yes, provide the names, addresses and the nature of water use of those persons or properties.

Advise the Board if compensation has been paid and/or an agreement(s) for compensation has been reached with any existing or other water users with respect to the proposed amendment

### 19. INUIT WATER RIGHTS

Was compensation paid/ or an agreement(s) for compensation been entered into with any Designated Inuit Organization (DIO) during consideration of the existing licence?

Yes  No

If Yes, which DIO(s) \_\_\_\_\_

Does the proposed amendment substantially affect the quality, quantity or flow of waters flowing through Inuit Owned Land (IOL)?

Yes  No

If Yes, advise the Board if negotiations have commenced or an agreement to pay compensation for any loss or damage has been reached with one or more DIO(s) with respect to the proposed amendment

**20. CONSULTATION** - Provide a summary of any consultation meetings including when the meetings were held, where and with whom. Include a list of concerns expressed and measures to address concerns,

### 21. SECURITY INFORMATION

Provide an updated financial security assessment prepared in a manner consistent with the principals respecting mine site reclamation and implementation found in the *Mine Site Reclamation Policy for Nunavut*, Indian and Northern Affairs Canada, 2002.

Provide an updated estimate of the total financial security for final reclamation equal to the total outstanding reclamation liability for land and water combined sufficient to cover the highest liability over the life of the undertaking. Estimates of reclamation costs must be based on the cost of having the necessary reclamation work done by a third party contractor if the operator defaults.

### 22. FINANCIAL INFORMATION

Provide an updated statement of financial security.

If the applicant is a business entity, provide a list of the officers of the company.

If the applicant is a business entity attach a copy of the Certificate of Incorporation or evidence of registration of the company name.

### 23. STUDIES UNDERTAKEN

List and attach updated studies, reports, research etc.

Provide a compliance assessment and status report including a response to any inspector's reports. The licensee must contact the NWB for licence specific direction in completing the assessment and report.

If in non-compliance, a licence may not be issued until compliance is achieved. If in non-compliance, attach plans/reports for consideration. Application will not be processed if significant issues of non-compliance exist.

## 24. PROPOSED TIME SCHEDULE

Does the proposed amendment change the time schedule considered in the existing licence for any phase of development?

Yes  No

Indicate the proposed start and completion dates for each applicable phase of development (construction, operation, closure, and post closure)

### Construction

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_  
(month/year) (month/year)

### Operation

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_  
(month/year) (month/year)

### Closure

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_  
(month/year) (month/year)

### Post - Closure

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_  
(month/year) (month/year)

For each applicable phase of development indicate which season(s) activities occur

### Construction

Winter  Spring  Summer  Fall  All season

### Operation

Winter  Spring  Summer  Fall  All season

### Closure

Winter  Spring  Summer  Fall  All season

### Post - Closure

Winter  Spring  Summer  Fall  All season

## 25. PROPOSED TERM OF LICENCE AMENDMENT

On what date does the existing licence expire? \_\_\_\_\_

Is the licensee applying for a combined renewal and amendment of the existing licence?

Yes  No

If Yes, indicate the proposed term of the renewal (maximum of 25 years): \_\_\_\_\_

Proposed Date of Issuance: \_\_\_\_\_ Proposed Expiry Date: \_\_\_\_\_  
(month/year) (month/year)

**26. ANNUAL REPORTING** -- Provide details regarding the content of annual reports and a proposed outline or template of the annual report.

**27. CHECKLIST**

The following must be included with the application for Amendment for the water licensing process to begin

Completed Application for Water Licence Amendment form

Yes                       No                      If no, date expected \_\_\_\_\_

Information addressing Supplemental Information Guideline (SIG) , where applicable (see Block 10)

Yes                       No                      If no, date expected \_\_\_\_\_

Compliance Assessment / Status Report (see Block 21)

Yes                       No                      If no, date expected \_\_\_\_\_

Indicate of Renewal Requirement (see Block 23)

Yes                       No                      If no, date expected \_\_\_\_\_

English Summary of Amendment Application

Yes                       No                      If no, date expected \_\_\_\_\_

Inuktitut and/or Inuinnaqtun Summary of Amendment Application

Yes                       No                      If no, date expected \_\_\_\_\_

Application fee of \$30.00 CDN (Payee Receiver General for Canada)

Yes                       No                      If no, date expected \_\_\_\_\_

Water Use fee of \$30.00 CDN (Payee Receiver General for Canada)

Yes                       No                      If no, date expected \_\_\_\_\_

**28. SIGNATURE**

Name (Print)	Title (Print)	Signature	Date
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**For Nunavut Water Board office use only**

**APPLICATION FEE**      Amount: \$ \_\_\_\_\_      Pay ID No.: \_\_\_\_\_

**WATER USE DEPOSIT**      Amount: \$ \_\_\_\_\_      Pay ID No.: \_\_\_\_\_

## APPENDIX C

1. Application for Assignment Form and Declaration of Licensee (Assignor)
2. Guide to Completing an Undertaking of Proposed Assignee
3. Undertaking of Proposed Assignee
4. Affidavit of Execution – Undertaking of Proposed Assignee



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

NUNAVUT WATER BOARD  
OFFICE DES EAUX DU NUNAVUT

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**APPLICATION FOR ASSIGNMENT AND DECLARATION OF ASSIGNEE**

<b>1. LICENCE NO:</b>	<b>2. WATER SOURCE:</b>
<b>3. LICENSEE INFORMATION:</b>  Name: _____  Address: _____  Phone: _____ Fax: _____ e-mail: _____	
<b>4. Water use fees pertaining to this licence must be paid in full</b>	
<b>5. DECLARATION OF LICENSEE:</b>  I, _____ representing _____, hereby declare that the sale or other disposition of any right, title or interest in the appurtenant undertaking will not result in any contravention of any provision of condition of water use licence number _____ or of any provision of the Nunavut Waters and Nunavut Surface Rights Tribunal Act or the applicable Regulations, and hereby request the assignment of the water use licence to:  Proposed Assignee: _____  Address: _____  Phone: _____	

**6. PROPOSED DATE OF ASSIGNMENT:**

- 45 days after date of application
- Other: \_\_\_\_\_

**7. APPLICATION FEE:**

Application fee for assignment of water licence is \$30.00 CDN (payable to the Receiver General for Canada)

**8. CHECKLIST:**

The following Documents **must** be included with the Application for Assignment where applicable:

- Completed Application for Assignment and executed Declaration of Assignee
- Executed Undertaking of Proposed Assignee and Affidavit of Execution – Undertaking of Proposed Assignee
- Copies of all documents pertaining to the lease, sale, rental or other disposition of the property or the licence from one party to another
- Statement of financial responsibility of the assignee
- For licences which require the provision of security, a letter to the NWB from the Manager of Water Resources, Indian and Northern Affairs Canada (INAC)
- An updated financial security assessment
- A letter from each Designated Inuit Organization (DIO) and existing or other water users confirming that the proposed assignment does not negatively impact any existing water compensation agreement(s)
- Statement of assignee's capacity to implement the conditions of the water licence and a schedule for the implementation of all plans, manuals and reports
- \$30.00 CDN application fee payable to the Receiver General for Canada

**29. SIGNATURE**

Name (Print)	Title (Print)	Signature	Date
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## GUIDE TO COMPLETING AN UNDERTAKING OF PROPOSED ASSIGNEE

Individuals and corporate entities must execute and complete the Undertaking in accordance with the rules located below. You must enclose a cheque payable to the **Receiver General for Canada** for the application fee to process the application for assignment, and a separate payment in a form and in the amount of the security required by the Licence, if applicable. The Nunavut Water Board will not process your application unless the application fee and security payment are enclosed.

### INDIVIDUAL

Please execute the Undertaking in the following manner:

- (1) Print your full legal name on the blank line beginning with (a) in the “AND WHEREAS” section;
- (2) At the end of the “IN WITNESS WHEREOF” sentence, write the day, month and year you signed this document before a witness;
- (3) On page 2, sign on the line located above the “Signature of Individual” phrase before a witness. The witness must sign on the line located to the left of your signature. You and the witness must print your names under your respective signature lines;
- (4) The witness must complete the Affidavit of Execution before either:
  - (a) a Commissioner of Oaths for Nunavut if you and your witness both live in Nunavut and both of you have signed the Undertaking in Nunavut; or
  - (b) a Notary Public for the Province or Territory in which the Affidavit was signed.
- (5) Please ensure the Commissioner or the Notary Public completes the jurat and affixes his or her commissioner or notarial seal;
- (6) Please ensure you attach a copy of the signed Undertaking to the Affidavit of Execution.

### CORPORATE ENTITY

Please execute the Undertaking in the following manner:

- (1) Print the full legal name of the corporation on the blank line beginning with (b) in the “AND WHEREAS” section;
- (2) At the end of the “IN WITNESS WHEREOF” sentence, write the day, month and year you signed this document;
- (3) On page 2, sign your name on the line located next to the phrase “Per:” and then print your name and your position in the corporation under this signature line;
- (4) Affix the corporation’s corporate seal where indicated.

(5) You must attach to the Undertaking a copy of the corporation's Certificate of Incorporation.

(6) You are required to sign the Undertaking before a witness. You are required to complete the Affidavit of Execution.

### UNDERTAKING OF PROPOSED ASSIGNEE

(section 44 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*)

#### WHEREAS

The Nunavut Water Board (“NWB”) issued Licence No. \_\_\_\_\_ dated \_\_\_\_\_, 200\_\_\_\_ (“the Licence”) to \_\_\_\_\_ (the “Assignor”), for a term of \_\_\_\_\_ years starting on \_\_\_\_\_, 200\_\_\_\_ and expiring on \_\_\_\_\_, 200\_\_\_\_, subject to the terms and conditions set out in the Licence.

#### AND WHEREAS (the Proposed “Assignee”)

(a) \_\_\_\_\_ (individual)

#### OR

(b) \_\_\_\_\_, (a corporate entity incorporated pursuant to the laws of \_\_\_\_\_ )

requests that the NWB approve the Assignment of the Licence from the Assignor to the Proposed Assignee pursuant to section 44 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (“Act”).

#### NOW THEREFORE

Effective on the date that the NWB approves the assignment of the Licence, the Proposed Assignee undertakes and accepts responsibility for the performance of all of the terms and conditions of the Licence including the performance of all liabilities arising pursuant to any Licence term or condition, whether arising before or after the effective date of the assignment, **AND** undertakes to pay any security required of the Assignor when the Licence was granted.

**IN WITNESS WHEREOF** the Proposed Assignee executed this Undertaking on \_\_\_\_\_, 200\_\_\_\_.





## APPENDIX D

### Application for Licence Cancellation



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

NUNAVUT WATER BOARD  
OFFICE DES EAUX DU NUNAVUT

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### APPLICATION FOR WATER LICENCE CANCELLATION

<b>1. LICENCE NO:</b>	<b>2. EXPIRY DATE:</b>
<b>3. NAME AND MAILING ADDRESS OF LICENSEE</b>  Phone: _____ Fax: _____ e-mail: _____	<b>4. ADDRESS OF CORPORATE OFFICE IN CANADA (if applicable)</b>  Phone: _____ Fax: _____ e-mail: _____
<b>5. DECLARATION:</b>  I, _____ on behalf of _____  hereby make application to cancel the above-noted water use licence effective _____ (insert proposed date of cancellation)  Date of most recent water licence inspection: _____ (attach copy of inspection report, if available)  Signature of Licensee: _____  Date: _____	
<b>6. CANCELLATION FEE:</b> Application fee of \$30.00 CDN (payable to the Receiver General for Canada)	
<b>7. REASON</b> Provide written reason for cancellation request:          	

**8. ABANDONMENT MEASURES**

The following measures have been taken to address the final abandonment conditions required by the licence: (explain, with drawings, how abandonment conditions of the licence have been met; how stream channels have been rehabilitated; how tailings have been recontoured; how instream structures have been removed; and how waste materials have been disposed of. Enclose pictures if available.

**9. CERTIFICATE OF COMPLETION:** Application for Licence Cancellation must be accompanied by either of the following:

- Application for Certificate of Completion enclosed; or
- Certificate of Closure enclosed.