

The Application Process

This document is intended as a guide and does not constitute a legal document. For further and more detailed information, please refer to the following Acts and Regulations:

- The Mackenzie Valley Resource Management Act
- The Mackenzie Valley Land Use Regulations
- The Northwest Territories Waters Act
- The Northwest Territories Waters Regulations

Note: The Gwich'in Land and Water Board has adopted Indian and Northern Affairs Canada's **Guidelines for Spill Contingency Planning**. Applications submitted must conform to these guidelines which can be viewed at <http://www.ainc-inac.gc.ca/ai/scr/nt/ntr/pubs/SCP-eng.asp>

Land Use Permits

The Mackenzie Valley Resource Management Act and the Mackenzie Valley Land Use Regulations applies to all uses of land in the Gwich'in settlement area.

Activities that **do not** require a Land Use Permit:

- Leases issued for grazing and agricultural uses after initial clearing.
- Harvesting trees for the construction of cabins and camps for the purpose of harvesting, within the meaning of the Gwich'in Final Agreement.
- Hunting, trapping and fishing.
- Anything done in the course of prospecting, staking or locating a mineral claim unless it requires the use of equipment or material referred to in section 4 or 5 of the Mackenzie Valley Land Use Regulations.

If you are uncertain if your proposed activity requires a land use permit, please call a Land and Water Technician at the Gwich'in Land and Water Board for further information.

An application for a Land Use Permit (Information in Support of an Application for a Land Use Permit) shall be submitted to the Board accompanied by the application fee and any applicable land use fee set out in Schedule 1 of the Regulations.

The Board does not require a fee for the use of settlement lands or other private lands or lands under the administration and control of the Commissioner of the Northwest Territories, but does require an application fee in respect thereof.

Water Licences

The Mackenzie Valley Resource Management Act, the Northwest Territories Waters Act and the Northwest Territories Waters Regulations applies to all uses of water in the Gwich'in settlement area.

Activities that **do not** require a Water Licence:

- Use of water for household requirements, watering of domestic animals and irrigation of a garden adjacent to a dwelling.
- Use of water for the purpose of boating, personal fishing and swimming.
- Use of water for the purpose of extinguishing a fire.
- Use of water in an emergency basis for controlling or preventing a flood.

If you are uncertain if your proposed activity requires a water use licence, please call a Land and Water Technician at the Gwich'in Land and Water Board for further information.

An application for a Water Licence or for the amendment or renewal of a Water Licence shall be submitted to the Board in the form set out in schedule III of the Northwest Territories Waters Regulations and shall be accompanied by a deposit equal to any water use fee that would be payable under subsection 9(1) of the Regulations in respect of the first year of the Water Licence being applied for.

Application

Applicants applying for either a Land Use Permit or a Water Licence are responsible for filling out the appropriate application form provided and ensuring that all information required is attached. The Board will not accept incomplete application forms.

The maximum period for processing a Land Use Permit is forty-two (42) days. The average period is normally anywhere from twenty-one (21) to thirty (30) days.

In order to ensure your project is not delayed, please submit your completed application, including maps, fees and approvals, to the Board at least forty-two (42) days prior to your proposed start date.

Be advised that the forty-two (42) days is a guideline only and that the Board can request a longer period in accordance with the MVRMA.

The maximum period for processing Water Licences may be longer.

Land Ownership

Applicants are responsible for determining if the proposed activity is on crown, territorial, municipal, or private lands, and for obtaining the proper authorization from the landowner.

If the proposed activity is on crown lands, the Applicant must obtain the proper authorization from the Department of Indian Affairs and Northern Development. For more information on the administration of crown lands, please contact the Department of Indian Affairs and Northern Development in Inuvik.

If the proposed activity is on Gwich'in lands (private lands), the Applicant must obtain the proper authorization from the Lands Division of the Gwich'in Tribal Council. For further information of the administration of Gwich'in lands, please contact the Lands Division of the Gwich'in Tribal Council in Inuvik.

Review of Application

The Applicant is responsible for submitting the completed application and all required information along with the applicable fees to the Gwich'in Land and Water Board.

The information contained in the application will be used to evaluate the quantitative and qualitative impacts of the land or water use and the Board may request additional information and data. Applicants are required to provide the information if requested.

The Board will accept and process the completed application and receive the applicable fees once it is satisfied that it is complete.

The Board shall forward any application that relates to a use of land or waters or a deposit of waste that is to take place or is likely to have an impact in more than one settlement area to the Mackenzie Valley Land and Water Board (MVLWB).

Conforms to Land Use Plan

The Board cannot issue or amend a licence, permit or authorization except in accordance with the Land Use Plan as developed by the Gwich'in Land Use Planning Board (GLUPB).

The Board will determine if the proposed activity conforms to the Land Use Plan. If there is any question, the Board will refer the application to the Land Use Planning Board and their decision will be final with respect to conformity. The Land Use Planning Board may consider exceptions or amendments.

For more information on the Land Use Plan or these options, please contact the Gwich'in Land Use Planning Board in Inuvik.

Type of Permit or Licence

Once an application is accepted, the Board will determine whether an application is Type A or B.

For determining a Land Use Permit application type, the Board will refer to sections 4 and 5 of the Mackenzie Valley Land Use Regulations.

Activity	Class A	Class B
Use of Explosives.	More than 150 kg in any 30 day period.	More than 50 kg, but not exceeding 150 kg in any 30 day period.
Use of Vehicles or Machinery.	Vehicles weighing more than 10 tonnes.	Vehicles weighing more than 5 tonnes, but less than 10 tonnes, or any vehicle that exerts pressure on the ground of more than 35 kPa
Using a Container to store Petroleum Fuel, or establishing Fuel Storage Facilities.	Fuel capacity of 4000 L or more. A Fuel Storage Facility with a capacity of 80000 L or more.	Fuel capacity of 2000 L, but not exceeding 4000 L. A Fuel Storage Facility more than 4000 L but not exceeding 80000 L.
Using Machinery for moving earth or clearing land.	Permit required.	Permit required.
Constructing lines, trails or right-of-ways.	Must exceed 1.5 m in width and 4 ha in area.	Must exceed 1.5 m in width but not exceed 4 ha in area.
Using Drilling Machinery, excluding Ancillary Equipment.	Operating weight of more than 2.5 tonnes.	Operating weight of more than 500 kg, but not exceeding 2.5 tonnes.
Campsites outside Territorial Parks.	Must be in use for more than 400 person-days.	Must be in use for more than 200 person-days.
Constructing buildings.		Footprint of more than 100 m ² and a height of 5 m.

For determining a Water Licence application type, the Board will apply Schedules IV through VIII of the NWT Waters Regulations:

- Schedule IV: Criteria for Industrial Undertakings
- Schedule V: Criteria for Mining and Milling Undertakings
- Schedule VI: Criteria for Municipal Undertakings
- Schedule VII: Criteria for Power Undertakings
- Schedule VIII: Criteria for Agricultural, Conservation, Recreational and Miscellaneous Undertakings

Letter of Acknowledgement

Once an application is accepted, the Board will send a letter of acknowledgement to the Applicant and a copy of the application will be sent to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) and the Mackenzie Valley Land and Water Board (MVLWB).

At this time, the Board will register the application in the Public Registry Database.

Consultation Process

The Consultation Process will involve forwarding an information package, including the application and supporting documentation, to affected communities, first nations, government groups, co-management boards and other interested parties for their review.

Recommendations or concerns raised will be taken into account and maybe used in drafting up the terms and conditions of a Land Use Permit or Water Licence.

There may be over fifty (50) possible Review Groups for any one application, therefore the Board will only forward the application to those groups that it feels may be affected.

The Board will also:

- provide a copy of each application to the landowner to which the application relates and to appropriate departments and agencies of the federal and territorial governments;
- notify affected communities or first nations of an application and to allow them a reasonable period of time to make a representation to the Board with respect to the application;
- seek and consider the advice of any affected first nations and any appropriate department or agency of the federal or territorial government with respect to heritage resources that might be affected by the proposed undertaking; and
- seek and consider the advice of the Gwich'in Renewable Resources Board with respect to the presence of wildlife and wildlife habitat that might be affected by the proposed undertaking.

Preliminary Screening

The Board will conduct a Preliminary Screening of the proposal to determine and report to the Mackenzie Valley Environmental Impact Review Board if, in the Board's opinion, the development will have a significant adverse impact on the environment or will be a cause of public concern.

Where the Board determines that the development will not have a significant adverse impact on the environment or will not be a cause of public concern, the Board shall continue to process the application.

Where the Board determines that the development will have a significant adverse impact on the environment, the Board shall refer the proposal to the Review Board for an **Environmental Assessment**.

Where the Board determines that the development will be a cause of public concern, the Board may conduct a **Public Hearing** or refer the proposal to the Review Board.

Where the Board determines that the application should be rejected, the Board shall provide the reasons for its decision to the Applicant.

The Board may reject an application if any information requested from the Applicant has not been provided. In these cases, the applicable fees will be refunded to the Applicant.

Public Hearings

Where the Board determines that the development will be a cause of public concern, the Board may conduct a Public Hearing or refer the proposal to the Review Board.

Where the Board decides to conduct a Public Hearing, the Board will publicly advertise with a description of the application and the date, time and location of the Public Hearing.

A Public Hearing allows for all parties to present their views on the proposed activity.

Interveners who wish to make representations on the proposed activity must file their concerns with the Board at least ten days before the Public Hearing is scheduled to take place.

If the Board receives no written interventions at least ten days before the Public Hearing date, the Board may cancel the Public Hearing.

Final Stages for Type A Applications (Land and Water)

The Board will prepare a draft Land Use Permit or Water Licence based on:

- information from the application;
- information from Interveners;
- recommendations from a Public Hearing (if held); and
- recommendations from the MVEIRB assessment or review (if held).

The Board will review the draft Land Use Permit or Water Licence and may make amendments and can set the effective and expiry dates and can decide if a security deposit is required.

The Applicant and Interveners may be allowed to review the draft Land Use Permit or Water Licence and may be given a final opportunity to suggest or recommend any changes.

The Board will approve and issue a Land Use Permit.

The Board will issue a Water Licence with the approval of Minister of Indian Affairs and Northern Development.

Water Resource Officers of the Department of Indian Affairs and Northern Development are responsible for enforcing Water Licences and conducting routine inspections.

Designated inspectors (DIAND) are responsible for enforcing Land Use Permits issued by the Board.

Final Stages for Type "B" Applications (Land and Water)

The Board will prepare a draft Land Use Permit or Water Licence based on the application and information provided during consultation with Review Groups.

The Board will review the draft Land Use Permit or Water Licence and make any necessary amendments.

The Board will approve the Land Use Permit or Water Licence which will then be signed by the Chair then issued to the Applicant.

Water Resource Officers of the Department of Indian Affairs and Northern Development are responsible for enforcing Water Licences and conducting routine inspections.

Designated inspectors (DIAND) are responsible for enforcing Land Use Permits issued by the Board.

Environmental Assessment and Environmental Impact Review

The Mackenzie Valley Environmental Impact Review Board will conduct **Environmental Assessments** and will consider what means should be used to reduce significant adverse environmental impacts and address public concerns.

The Board may recommend to the Minister of Indian Affairs and Northern Development that terms and conditions be placed on a permit or licence to prevent environmental impacts, or that the proposed activity undergo a detailed **Environmental Impact Review**.

A panel of the Mackenzie Environmental Impact Review Board will conduct an **Environmental Impact Review** on proposed activities where an **Environmental Assessment** does not fully address environmental and public concerns.

An **Environmental Impact Review** is an in-depth public review of a proposed activity.

Joint panels may be created if the activity extends beyond the Mackenzie Valley, or if it is of national concern.

The Board, after a review, makes recommendations to the Minister of Indian Affairs and Northern Development on whether the activity should take place or on terms and conditions for permits or licences.

Guide to completing a Land Use Permit Application

Land use permits are issued under the authority of the Mackenzie Valley Land Use Regulations. For this reason, the Applicant should become familiar with these regulations before completing an application for a Land Use Permit.

The Applicant should pay special attention to how long it takes to process applications.

In the Gwich'in Settlement Area, most Land Use Permits can take anywhere from twenty-one (21) to forty-two (42) days from the date application is received to the date of issuance.

The application should be submitted early enough to allow the minimum processing time and thus preventing any delays in the commencement of a land use operation.

Filling out the Land Use Application

<p>NAME Indicate full name, address, telephone number and facsimile number the person or registered company (in good standing) applying for the Land Use Permit. Please be advised that initials are not acceptable for financial reasons.</p>
<p>NAME Indicate the full name, address, telephone number and facsimile number of the company's head office if not the same as in 1.</p>
<p>OTHER PERSONNEL/NUMBER OF PEOPLE Indicate full names of any and all contractors as well as a total number of personnel involved in the operation. The number of person days required to complete the operation must be indicated as well. (number of people x number of operating days = number of person days).</p>
<p>Indicate application eligibility by checking one of the boxes.</p> <p>18 (a) (i) - A person is eligible for a permit who where the proposed land-use operation is in the exercise of a right to search for, win or exploit minerals or natural resources, holds the right.</p> <p>18 (a) (ii) - A person is eligible for a permit who where the proposed land-use operation is in the exercise of a right to search for, win or exploit minerals or natural resources, is the manager of operations, where the right is held by two or more persons who have entered into an exploration or operating agreement designating one of them as the manager of operations.</p> <p>18 (a) (iii) - A person is eligible for a permit who where the proposed land-use operation is in the exercise of a right to search for, win or exploit minerals or natural resources, is the person who contracts to have the land-use operation carried out, where the right is held by two or more persons who have not entered into an exploration or operating agreement designating one of them as manager of operations.</p> <p>18 (b) (i) - A person is eligible for a permit who, in any other case, has a right to occupy the land and who contracts to have the land-use operation carried out.</p> <p>18 (b) (ii) - A person is eligible for a permit who, in any other case, is the person who is to carry out the operation.</p>

<p>PROJECT DESCRIPTION</p> <p>5(A) - A complete description and summary of the land use operation is required. All activities must be described, as to purpose, nature and location. Include the area to be used in each phase of the operation. (See Paragraph 19(3) of the Mackenzie Valley Land Use Regulations). Please use the back page of this application or attach a separate description.</p>
<p>CAMP DESCRIPTION</p> <p>5(B) If there is to be a camp set-up, the location and specifics must be detailed here.</p>
<p>ENVIRONMENTAL IMPACTS</p> <p>A summary of potential environmental and resource impacts is required. This should include effects to land, water, vegetation, wildlife and effects to social, cultural, heritage resources either known or perceived.</p>
<p>MITIGATION MEASURES</p> <p>Proposed environmental impact mitigative measures should be supplied and site restoration proposals are required. Please keep in mind that land use operations are to be short term and temporary in nature. The area used has to be returned, as near as possible, to its original, natural state.</p>
<p>OTHER RIGHTS, LICENCES, PERMITS, OR AUTHORIZATIONS</p> <p>Indicate other rights, licences or permits that relate to this Land Use Permit application and support the requirement for the proposed land use operation (see Section 21, i.e. prospecting permits, mineral claims or subsurface leases). If this is a new access, please check the applicable box(es).</p>
<p>WASTE DISPOSAL</p> <p>Indicate waste disposal that is required and what disposal methods are to be undertaken. Please be advised that written permission is required when using a third party disposal facility. Disposal methods for sewage, petroleum and chemical wastes are regulated by other legislation that must be adhered to. Please use the back page of this application or attach a separate page for a lengthy description.</p>
<p>EQUIPMENT</p> <p>List all types, makes, sizes and proposed use of equipment to be used. (include ground pressures of vehicles if known).</p>
<p>FUEL</p> <p>Indicate fuel types, volumes, number of containers and capacity of the containers to be used.</p>
<p>FUEL SPILL CONTINGENCY PLAN</p> <p>A plan for fuel spill contingency is required. Any plan must be related to the worst case scenario possible, given the volumes and types of fuel involved. The plan must indicate equipment and methods to be used to control and cleanup any possible fuel spill. Please attach a separate plan if required.</p>
<p>FUEL TRANSFER METHODS</p> <p>Indicate fuel transfer methods, i.e. pumps, gravity feed, etc.</p>
<p>PERIOD OF OPERATIONS</p> <p>Indicate all periods of operation including seasonal shut down to cover all active and storage activities. (closest estimate possible).</p>
<p>TIME PERIOD FOR LAND USE PERMIT</p> <p>Indicate period for which the Land Use Permit is required.</p>
<p>LATITUDE, LONGITUDE</p> <p>Indicate the latitude and longitude of a sole point operation or of each campsite if more than one. If the operation is of a lineal nature, indicate the start point, minimum latitude and longitude and the end point, maximum latitude and longitude. Indicate the map sheet numbers and quad numbers if applicable.</p> <p>Note: Deg = degrees, Min = minutes, MN = minimum, MAX = maximum</p> <p>Maps of suitable scale, i.e. 1:50 000, are required to outline the program as well as sketches for programs involving a large amount of detail. (Maps should be originals, photocopies and faxed maps are not acceptable).</p>

SIGNATURE

The signature must be an original signature of the person authorized to sign for- the Applicant. Print your full name before signing and dating the application. Initials are not sufficient.

CLASS OF PERMIT

Indicate class or permit applied for.

Forward the appropriate application fee with your application. (Government Departments or Government Organizations are excluded).

LAND USE FEES

Land Use Fees are payable on actual land used to complete the land use operation including existing lines, cleared areas, campsite, access routes, drill sites, etc. as follows:

The first two-(2) hectares are free.

Over two (2) hectares are charged at the following rates:

On Federal crown Lands - \$ 50.00/ha (2.47 acres)

Land Use Fees are payable at the time of application based on the estimated number of hectares required for your land use operation. Any adjustment of fees for actual hectares used for your operation will be adjusted when you submit your final plan and verification completed.

For your reference there are Guideline booklets available through the Department of Indian Affairs & Northern Development at the Regional or District offices which describe proper land use practices for various types of operations (i.e. quarrying, roads and trails, mineral exploration, seismic, hydrocarbon well sites, reclamation).

There is also a booklet entitled Natural Resource Development in the NWT: Requirements, Procedures and Legislation.

Guide to completing a Water Licence Application

Water Licences are issued under the authority of the Northwest Territories Waters Regulations. For this reason, the Applicant should become familiar with these regulations before completing an application for a Water Licence.

The Applicant should pay special attention to how long it takes to process applications.

In the Gwich'in settlement area, most Water Licence applications can take anywhere from sixty (60) to ninety (90) days from the date the application is received to the date of issuance.

The application should be processed early enough to allow the minimum processing time and thus preventing any delays in the commencement of the undertaking.

Filling out the Water Licence Application**NAME**

Indicate full name, address, and telephone number and facsimile number the person or registered company (in good standing) applying for the Water Licence. Please be advised that initials are not acceptable for financial reasons.

HEAD OFFICE

Indicate full name, address, telephone number and facsimile number of the company's head office in Canada if incorporated, if not the same as 1.

LOCATION

Indicate the latitude and longitude of the operation and describe the proposed water courses to be used in the undertaking (attach map). The location of waste deposits should also be indicated on the map.

Note: Deg = degrees, Min = minutes, MN = minimum, MAX = maximum. Maps of suitable scale (i.e. 1:50 000) are required to outline the undertaking as well as sketches for undertakings involving a large amount of detail.

UNDERTAKING DESCRIPTION

A complete description and summary of the water use undertaking is required. All activities must be described, as to purpose, nature and location. Include area to be used in each phase (use maps) of the operation.

Attach additional plans if the proposed undertaking consists of: a dam; a storage reservoir; a water course crossing; a camp, lodge, municipality or settlement; industrial or mining and milling activities; deposit of waste; handling, storage and disposal of petroleum products or hazardous material; and abandonment and temporary closing.

TYPE OF UNDERTAKING

Indicate type of licence applied for should your undertaking fall into one of the classes listed. If your undertaking does not match one of the classes, check off miscellaneous and describe.

WATER USE

Indicate water use by checking off one of the categories listed. Should there be some other reason for using water (that is not listed) describe the use in detail.

WATER QUANTITY

Indicate the amount water to be used in the undertaking and how much of the water, including quality, will be deposited back into the water source (closest estimate possible)..

WASTE DEPOSITED

Indicate how much waste will be produced from the undertaking, including the quality of waste produced, and the proposed treatment and disposal of the waste. (attach additional page if necessary)

EFFECTS ON OTHER USERS

Indicate full name, address, and location of any person or property that may be affected by the undertaking.

IMPACTS AND MITIGATION

List here the potential impacts on the environment and the proposed mitigation methods to be used.

CONTRACTOR AND SUB-CONTRACTORS

Indicate full names of all contractors and sub-contractors as well as what each contractors' primary function (job) is.

PREVIOUS STUDIES

List all studies that have been done in the area (if known) to date. Information on studies should cover the area immediately surrounding the undertakings' location.

PROPOSED TIME FRAME

Indicate period for which the Water Licence is required.

The signature must be an original signature of the person authorized to sign for the Applicant. Print your full name before signing and dating the application. Initials are not acceptable.