

# **WATER MANAGEMENT**

## **for**

# **Oil and Gas projects**

**Roles and Responsibilities  
of the  
Yukon Water Board  
&  
Secretariat**

**September 30, 2013**



**Yukon  
Water Board**

*Office des eaux  
du Yukon*



## Table of Contents

- \* Who are we?
- \* What guides us?
- \* What do we do?
- \* How do we link to others?
- \* Oil and Gas related initiatives
- \* YESAA Decision Documents



## Who are we?

- \* Independent quasi-judicial Board
- \* Established under Yukon's *Waters Act*
- \* Nine member Board
  - Nominations from Canada, Government of Yukon and Council of Yukon First Nations
- \* Administrative, technical and legal support provided by the Secretariat



## What guides us?

### *Waters Act, s.10, Objects:*

“The objects of the Board are to provide for the conservation, development, and utilization of waters in a manner that will provide the optimum benefit from them for all Canadians and residents of the Yukon in particular.”

### *UFA, Chapter 14 – Water Management, s. 14.1.1, Objective:*

“The objective of this chapter is to maintain the Water of the Yukon in a natural condition while providing for its sustainable use.”



## What guides us, cont.

- \* *Waters Act and Waters Regulation*
- \* *UFA, Chapter 14 - Water Management*
- \* *UFA, Chapter 2 -Boards and Committees*
- \* *YESAA, s. 86*
- \* *Interpretation Act (Yukon)*
- \* *Public Inquiries Act (Yukon)*



## What guides us, cont.

- \* Rules of procedural fairness and natural justice
- \* Rules (Quorum, Procedure, Meetings, Conflict of Interest)
- \* Guidelines (federal, territorial, Board)
- \* Policies (ministerial direction, Board)



## What do we do? - Secretariat -

- Determine if a project requires YESAA assessment
- Collect water use and application fees
- Review applications for adequacy (sufficient info to inform public and the Board)
- Determine the type of undertaking
- Determine whether a water licence is required
- **Provide public notice of application and timeframe for interested parties to submit comments**
- Prepare draft licences for Board's review
- Draft Reasons for Decision to reflect the Board's decisions
- Participate on water related working group committees (i.e. pipeline, CCME coordinating committee, dam guidelines)
- Maintain the public registry (hard copy and Waterline registry)



## What do we do? - Board -

Note: All reviews and decisions of the Board are evidentiary based.

- \* Determine whether to approve or deny an application and apply conditions as necessary.
- \* Determine financial security requirements.
- \* Determine compensation.
- \* Determine requirement for public hearing.
- \* Hold public hearings (as per *Waters Act*).
- \* Develop rules, guidelines, policies.





## How do we link with others?

### \* Yukon Government:

- Water Resources, Environment
- Oil and Gas Resources, Energy Mines & Resources
- \* Regular information exchange and meetings between Secretariat and EMR Regulators
- \* Secretariat staff attend meetings with proponents and Inspectors
- \* Inspection Reports form part of the public register



## How do we link with others? cont.

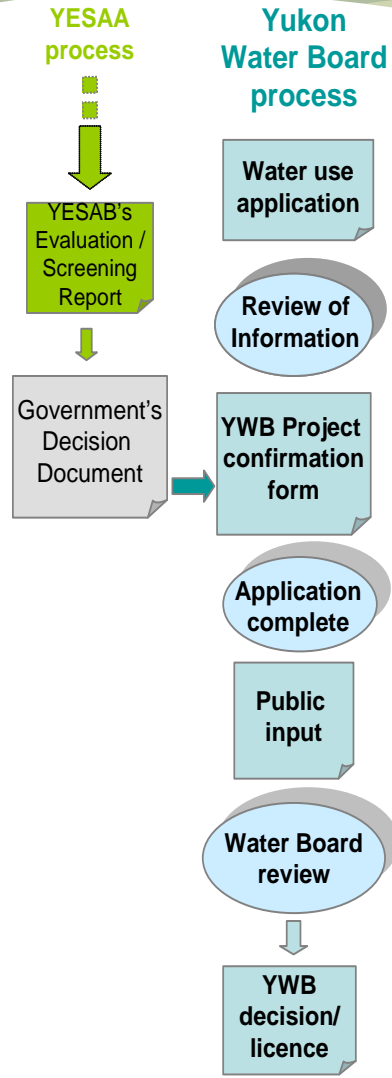
- \* First Nations
  - \* Chapter 14 requirement: “notify FN of application within their Traditional Territory”
- \* Applicants
  - \* attend meetings with other regulators and interested parties
- \* Working Groups
  - \* interdepartmental and intergovernmental



## How do we link with others?, cont.

### \* YESAB

- \* Provide DO staff with administrative guidance, clarify Board's information requirements
- \* Participate in presentations of applications with YESAB and other Interested Parties
- \* Participate in joint technical training sessions



# YESAA and the YWB process



## YESAA Decision Documents

- \* The Board includes all YESAB Evaluation reports in water use registers
- \* Decision Document terms and conditions are reflected in Water Licences



- \* Oil and Gas Project - Interim Guidelines
- \* The Board has released interim Guidelines for Oil and Gas projects. A targeted consultation is underway with comments due December 31, 2013.
- \* The purpose of the guidelines is to provide clarity to prospective proponents on what the Board expects to be included in an application for an oil and gas related project.



Yukon  
Water Board

*Office des eaux  
du Yukon*

## Contact:

### **Yukon Water Board Secretariat**

**Phone: (867) 456-3980**

**E-mail: [carola.scheu@gov.yk.ca](mailto:carola.scheu@gov.yk.ca)**

**Website: <http://www.yukonwaterboard.ca>**

# Acts and Regulations

- \* Yukon Waters Act
- \* Yukon Waters Regulation (*Schedule 5 – Industrial Undertakings*)
- \* Yukon Oil and Gas Act
- \* Yukon Oil and Gas Regulations: Order In Council (O.I.C.)
  - \* Drilling and Production Regulations O.I.C. 2004/158
  - \* Geoscience Exploration Regulations O.I.C. 2004/156
- \* Canada Oil and Gas Operations Act
- \* Canada Petroleum Resources Act
- \* Yukon Environment Act
- \* Pollution Prevention Provisions (Section 34) of the Federal *Fisheries Act*
- \* Canadian Council of Ministers of the Environment (CCME) Water Quality Guidelines for the
  - \* Protection of Aquatic Life
- \* Reporting Requirements for the Oil & Gas Sector



# References

- \* “Road to Improvement – the Review of the Regulatory Systems across the North” – Neil McCrank, Minister’s Special Representative, May 2008  
[http://www.reviewboard.ca/upload/ref\\_library/rio8-eng\\_1217612729.pdf](http://www.reviewboard.ca/upload/ref_library/rio8-eng_1217612729.pdf)
- \* “Filing requirements for onshore drilling operations involving hydraulic fracturing” – National Energy Board, September 2013 <http://www.nelb-one.gc.ca/clf-nsi/rthnb/nrthffshr/pblctnrprt/flngrqrmntnshrdrlInghdrlcfrctrng/flngrqrmntnshrdrlInghdrlcfrctrng-eng.pdf>