



YUKON WATER BOARD GUIDELINES REGARDING APPLICANT'S ADVISORY COMMITTEE

The Yukon Water Board offers the following guidelines to assist who chooses to use an Applicant's Advisory Committee ("Committee") as a forum to discuss technical issues and develop proposals for licence terms and conditions. There is no requirement for an applicant to have a Committee.

The Committee has no standing as a party before the Board. Board staff and consultants will not be members of a Committee.

- The Board encourages applicants to initiate consultation with potential interested parties, in order to identify concerns and explore acceptable solutions. One process that the applicant may choose to use is the formation of a Committee.
- The applicant has sole discretion regarding the formation, and the membership, of the Committee.
- The mandate of a Committee should be to assist the applicant to develop recommendations for licence specifications that are technical in nature. These recommendations would then be presented to the Board, by the applicant, as a component of the water use application.
- The Committee would be an advisory group to the applicant, not to the Board. The Committee would not replace the Board's public review process and must not fetter, or appear to fetter, the Board's authority to make licensing decisions. The Committee must not be used, or seen, as a means of avoiding public hearings.
- Neither the applicant nor potential interveners should be constrained in their presentations to the Board because of agreements that may or may not have been reached at the Committee. Each member of the Committee must retain the right to indicate their support or disagreement to the Board, in whole or in part, through the public review process that is provided by the *Waters Act*.
- Parties who are not included in the Committee may provide their input on technical issues to the Board through the public review process that is provided by the *Waters Act*. Therefore, proposed licence terms and conditions that the applicant may develop with the assistance of the Committee must be included in the water use application before the application is advertised.
- Licensing recommendations must be accompanied by sufficient rationale so that both the Board and the public can evaluate those recommendations.
- The Committee should cease to exist when an application for water use is submitted to the Board. Applicants may, at a later date, choose to initiate new Committees to address licence amendments and/or renewals and those Committees may have the same or similar membership as the initial the Committee.
- The Board expects applicants to ensure that all Committee members are informed of these guidelines.

These guidelines were originally approved by the Board in November, 1996.
These guidelines were amended by the Yukon Water Board on February 4, 2009.
Bruce Willis, Chairperson