

MVLWB Registry

From: Miki <mehrllich@mvlwb.com>
Sent: Wednesday, January 7, 2015 11:27 AM
To: 'Gary Jaeb'
Cc: 'Clint Ambrose'; permits@mvlwb.com
Subject: RE: Mackay Lake Lodge

Gary, please see below in response to your email of January 5th, 2015.

Appealing Land Use Permit conditions:

- Board decisions are final (see section 67 of the [Mackenzie Valley Resource Management Act \(MVRMA\)](#)).
- An appeal to a Board decision would go through the Supreme Court of the NWT (see section 32 of the MVRMA). This appeal process is set out in legislation and the Supreme Court Rules of Procedure.
- If there are specific conditions of your Land Use Permit that you would like changed, you can apply for an amendment (see section 26(2) of the [Mackenzie Valley Land Use Regulations](#). The amendment process is similar to a Land Use Permit application process in that there is a review period and an opportunity for the proponent to respond to reviewer comments before the application goes before the Board. Please refer to section 4.4.1 of the [Guide to the Land Use Permitting Process](#) for more information on amendments.

Asking the Board to reconsider your arguments:

- Your options are to apply for an amendment or appeal the Board's decision in court.
- The Board is not able to "grandfather" practices; the Board uses legislation, established guidelines and standards, and best practices to set conditions.

Spill Contingency Plan

- A spill contingency plan is a Board requirement for every permit the Board issues, no matter what the operation is. While spill contingency planning is variable, based on type of activity, all spill contingency plans must meet a minimum requirement for environmental protection. The Board determined that your plan does not currently meet that standard, and hence a resubmission is required. My last email outlined the requirements that are required to be resubmitted to enable approval of the plan.

Thresholds for person days and fuel storage:

- The Board used the information included in your Land Use Permit application when developing the Land Use Permit.
 - Your application states that True North Safaris may store up to 100 drums (45 gallon or 205 L capacity) onsite at any given time. The Land Use Permit trigger for fuel storage is 4000 L.
 - Regarding person-days, the application states that the Lodge may operate year-round and may have up to 48 people on-site at any given time. The trigger for requiring a Land Use Permit is 200 person-days (e.g. 10 people for 20 days each).

The questions regarding the Inspector's Order should be addressed by the Inspector.

Miki

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Please note: All correspondence to the Board, including emails, letters, faxes and attachments are public documents and may be posted to the Public Registry.



From: Gary Jaeb [mailto:gary@truenorthsafaris.com]
Sent: January 6, 2015 12:43 PM
To: Miki Ehrlich; Clint Ambrose
Subject: Mackay Lake Lodge

Miki

I am considering options so have a few more questions

I had requested to make an appeal to MVLWB for some of the conditions attached to the land use permit. Then got a letter from the Chairman that said my only appeal is through the courts
Please clarify this.....

Our position has been that the systems that the lodge has used for 25 years have evolved and have met past environmental health and safety standards and have passed the test of traditional knowledge and common sense. Using a forced air fired electric incinerator, trucking ashes back to Yellowknife etc do not have a net benefit to the environment and we as a small business can not afford to operate in this manner. I have asked the MVLWB to grand father us or reconsider our arguments. Is court our only recourse?

There seems to be no reason for you/MVLWB to ask me to revise the spill contingency plan, if you mean that the plan has to follow your conditions. Why not just issue the permit with your conditions?
Please clarify this....

The Failure to comply letter from Clint Ambrose refers to " an offence and is liable on summary conviction." Does this mean that the case will go to court?? And where?

As I have told you/MVLWB, Mackay Lake Lodge has not operated full time since 2009 when ENR shut down the caribou sport hunting. If we are dealing with thresholds like 200 person days and 20 barrels of fuel cashed, we have not exceeded any of these being

In 2012 we had one week of fishers and did some work to maintain the lease. In 2013 we were in discussions with Dominion Diamonds about offering lodge services to them but the MVLWB land use application process took almost a year and DD built their own camp north of us, as they could not wait.

The company, Mackay Lake Lodge '89 Ltd. is not in good standing with company register, it is in arrears with CRA, BDIC, and CIBC and is considering bankruptcy.

Clinton Ambrose has addressed his Failure to comply letter to True North Safaris Ltd. True North safaris has been trying to diversify and keep Mackay Lake Lodge alive but is not the legal owner of Mackay Lake Lodge.

Please advise.
gary Jaeb