

From: [gary jaeb](#)
To: [Clint Ambrose](#); [Sarah Kalnay-Watson](#); [Jen Potten](#); [Shelagh Montgomery](#); [Julie Green](#); [MALCOLM JAEB](#)
Cc: [Brandon Bradbury](#); [Andrew Wheeler](#)
Subject: Re: MV2013J0006 - Storage Authorization (Section 16(2) - Mackenzie Valley Land Use Regulations
Date: Monday, August 24, 2020 8:03:48 AM

I have gone through the regulations several times and looked at the MVLWB listings

I found True North Safaris, Aurora Village and Blatchford Lake lodge

Where are all the other lodges

and I am aware that Blatchford catered to a Mining company similar to what we did at Mackay

and we have stated that we no longer plan to cater to Mining exploration and if we do in the future they will be required to have their own LUP

Please reply to this

Gary

On 8/21/2020 4:04 PM, gary jaeb wrote:

Clinton

The regulation seems to omit snow removal and it does not appear to include "if the equipment is being used for earth moving" or whether it can be

I can tell you now that we do not plan to use our tractors for moving earth and if we do we will apply to you///

we "are not moving earth" and we will not be nor plan to be.

but for now we are planning to leave them at MLL and we do not believe that we need your approval to do so

Again

Please get some level of discussion going to find a logical conclusion

Gary

On 8/21/2020 3:11 PM, Clint Ambrose wrote:

Gary,

You are correct on Mining, Exploration or Tourism not being mentioned as it is not required for interpretation of the prohibitions. No exemptions for the aforementioned were contemplated during the writing of the *Mackenzie Valley Resource Management Act*. But the use of self-propelled equipment on Territorial Land is and that is the

activity you are or will be conducting. This activity is prohibited by section 4(a)(iv) of the *Mackenzie Valley Land Use Regulations* (Regulations) since True North Safaris' land use area is located on Territorial Land.

Until Parliament amends the Regulations to remove the requirement for a land use permit **on all Land** in the Mackenzie Valley for the use of self-propelled earth moving equipment, a land use permit is required.

I appreciate that some statutes of Canada can be difficult to interpret, but fortunately the *Mackenzie Valley Land Use Regulations* are black & white when it comes to the use of self-propelled equipment on Territorial Land.

Until legislation is amended by Canada, True North Safaris will require a land use permit if self-propelled earth moving machinery will be utilized.

Unfortunately Gary, if you choose not to comply with the *Mackenzie Valley Land Use Regulations* the Inspectors may have no other recourse but to initiate enforcement action to achieve compliance with the aforementioned Regulations.

As per my previous emails, your cooperation to submit a storage authorization application to the Mackenzie Valley Land and Water Board is anticipated and appreciated.

This is my final response on this matter.

Regards,

Clint

Clint Ambrose

Manager, Resource Management (Inspector)

North Slave Regional Office

Department of Lands

Government of Northwest Territories

140 Bristol Avenue, Yellowknife, NT X1A 3T2

Cell: (867) 446-0769 / Tel: (867) 767-9188

Email: clint_ambrose@gov.nt.ca

Web: www.lands.gov.nt.ca

From: gary jaeb [<mailto:gary@truenorthsafaris.com>]

Sent: Friday, August 21, 2020 2:49 PM

To: Clint Ambrose; Sarah Kalnay-Watson; Jen Potten; Shelagh Montgomery; Julie Green; MALCOLM JAEB

Cc: Brandon Bradbury; Andrew Wheeler

Subject: Re: MV2013J0006 - Storage Authorization (Section 16(2) - Mackenzie Valley Land Use Regulations

Clinton

You are wrong

"Tourism is" not even mentioned as an activity that needs a LUP in the MVLWB

Please have some senior legal policy advise/review this. Tourism and MVLWB needs to be defined or connected or separated???

and regulations do state that road maintenance equipment is allowed

and why aren't other lodges being treated the same?

one trigger in MLWB regs states that 200 person days is a trigger

then lodges that have permanet care takers or owner staying there have 360 days in a year x 2 if it is a couple

Clinton this needs another deeper review

I am not trying to target you and Brandon but the regs do not make sense and you have to enforce them (and interpret them)

or have them reviewed?!

Or take it to a court

Gary

On 8/21/2020 1:15 PM, Clint Ambrose wrote:

Gary,

The *Mackenzie Valley Land Use Regulations* (Regulations) apply to all lands in the Mackenzie Valley and it is important to note that the Regulations don't differentiate between Tourism, Exploration, Mining, etc., rather uses related to ALL these activities and self-propelled earth moving equipment is one.

With your below statements, you have now confirmed that Mackay Lake Lodge will require a land use permit if any or all of the self-propelled earth moving equipment will remain in the land use area and/or will be used for airstrip maintenance. Thanks for this confirmation.

Since there is not enough time to have a renewal land use permit in place, and not possible to remove the self-propelled earth moving equipment prior to the expiry (September 23rd, 2020) of land use permit MV2013J0006, the attached Storage Authorization Form must be filled out and submitted to the Mackenzie Valley Land and Water Board in advance of the land use permit expiry date.

Andrew Wheeler and Jen Potten from the Board have been copied on the email and they can provide advice/assistance on this form.

Once again, your cooperation to comply with the provisions of the *Mackenzie Valley Land Use Regulations* is anticipated and appreciated.

Have a good weekend Gary.

Regards,

Clint

Clint Ambrose

Manager, Resource Management (Inspector)

North Slave Regional Office

Department of Lands

Government of Northwest Territories

140 Bristol Avenue, Yellowknife, NT X1A 3T2

Cell: (867) 446-0769 / Tel: (867) 767-9188

Email: clint_ambrose@gov.nt.ca

Web: www.lands.gov.nt.ca

From: gary jaeb [<mailto:gary@truenorthsafaris.com>]

Sent: Friday, August 21, 2020 12:57 PM

To: Clint Ambrose; Sarah Kalnay-Watson; Jen Potten; Shelagh Montgomery; Julie Green; MALCOLM JAEB

Subject: Re: Fwd: Re: True North Safaris /Mackay Lake Lodge notice tha twe no longer request nor require a Land Use Permit

Clinton

We are planning to remove some of the equipment from Mackay Lake, as we can; when we can, because some of it is no longer needed there for our tourism operations.

and another example, this fall we will likely be able to remove the rest of the empty drums from our lease even though they belong to someone else /reason being that we have some clients and business activities that will produce empty charter aircraft flying from MLL back to YK. (we could not afford to charter planes just to removesomeone elses drums, but now we can and will co-operate, even though someone didn't have the balls to take responsibility

for their own actions and empties)

Regarding the equipment that was used to build our runway(before we had a LUP from MVLWB) We will remove it when we can but only the equipment that is not of use to us. The dump truck with tracted loader are to be taken on a low boy when we can identify an empty going back on the ice road... same with the Alicechalmer gas grader, The two rubber tired tractors will be kept to maintain roads especially in winter times and for runway maintenance.

Regulations do allow us to keep equipment needed to maintain existing road access to buildings and the ice road accesss and we should not be targeted with Land use regulations that are not designed for tourism establishments.

The GNWT needs to do an internal revue of the licenseing and permitting requirement so all opearors are treated equally and fairly and to "permit" and support tourism businesses to create jobs and revenue in our economy especially in these hard times/

The Land Use Permit regulations managed by MVLWB do not identify "tourism " as an activity that they regulate and you/inspection devision should not be applying the MVLWB regulations to tourism lodges unless/untill, they are designed to support and manage all our tourism industry

Please take this to the powers that can help and make things better. Similar issue..why is Mackay Lake Lodge now being assessed and taxed with a property tax when other lodges are not???

The GNWT needs to take a look at these problems/issues and create some positive and everyone equal process..

Truly

Gary Jaeb

Please we should not be required

On 8/21/2020 10:27 AM, Clint Ambrose wrote:

Thanks Gary. But equipment isn't regulated by the TOL rather the land use regulations as law states.

Therefore storage authorization required until equipment removed if you aren't renewing the land use permit.

One of three options spelled out in the inspection report is required by law, *Mackenzie Valley Land Use Regulations*.

Your cooperation to comply is anticipated.

Regards,

Clint

Clint Ambrose

Manager, Resource Management (Inspector)

North Slave Regional Office

Department of Lands

Government of Northwest Territories

140 Bristol Ave

Yellowknife, NT X1A 3T2

Cell: [\(867\) 446-0769](tel:8674460769) / Tel: [\(867\) 767-9188](tel:8677679188)

Email: clint_ambrose@gov.nt.ca

Web: www.lands.gov.nt.ca

From: gary jaeb
<gary@truenorthsafaris.com>

Date: Friday, Aug 21, 2020, 9:31 AM

To: Clint Ambrose
<Clint_Ambrose@gov.nt.ca>, Sarah Kalnay-

Watson <Sarah_Kalnay-Watson@ntassembly.ca>, Jen Potten
<jpotten@mvlwb.com>, Shelagh
Montgomery <smontgomery@mvlwb.com>,
Julie Green <Julie_Green@ntassembly.ca>,
MALCOLM JAEB <maljaeb@gmail.com>

Subject: Fwd: Re: True North Safaris
/Mackay Lake Lodge notice tha twe no longer
request nor require a Land Use Permit

EXTERNAL: This email originated from
outside of the organization. Do not click links
or open attachments unless you recognize the
sender's name and email address and know
the content is safe.

Clinton

WE have recieved your report regarding a
Mackay Lake Lodge inspection This Aug
2020

Your report has not taken into consideration
our attached report that we will not be
renewing our LLUP with MVLWB as our
equipment there is used under our TOL and
does not trigger the need for a LUP

Please respond to the attached letetr

Truly

Gary Jaeb

----- Forwarded Message -----

Subject: Re: True North Safaris /Mackay
Lake Lodge notice tha twe no
longer request nor require a Land
Use Permit
Date: Fri, 3 Jul 2020 14:49:18 -0600
From: gary jaeb
<gary@truenorthsafaris.com>

To: Andrew Wheeler
<awheeler@mvlwb.com>
Sarah Kalnay-Watson
<Sarah_Kalnay-Watson@ntassembly.ca>,
julie_green@ntassembly.ca
CC: <julie_green@ntassembly.ca>,
Shelagh Montgomery
<smontgomery@mvlwb.com>, Jen
Potten <jpotten@mvlwb.com>,
Clint Ambrose
<Clint_Ambrose@gov.nt.ca>

On 7/3/2020 2:00 PM, gary jaeb wrote:

Andrew please forward this
email to Shelagh Montgomery

Please accept this notice that we
will not be applying to renew the
Land Use Permit (LUP) for
Mackay Lake Lodge which is
due to expire on Sept 23, 2020

and we do not believe that we
need permission to store existing
buildings and equipment. as we
plan to continue our ongoing
Tourism Lodge operation .

True North Safaris sales and
income from Tourism were
reduced with the Caribou
outfitting ban in 2009 and our
product development and
marketing plans now include
sport fishing, aurora viewing and
on the land cultural
training/wellness programs.

The list of triggers for LUPs and storage, that
you sent says that a camp site outside of a
territorial park requires a Class B permit if
they exceed 200 person days.(one couple
staying at their lodge for 6 months =360

person days). Tourism lodges cannot be treated as camps outside a Teritorial Park.

We are an established licensed tourism operations and lodges. And we could not find "Toursim"listed in the MVLWB activities?

Please forward this to The GNWT and request that they review the LUP and TOL requirements so that all businesses are treated fairly and equally.

True North Safaris/Mackay Lake Lodge,did cater to mining exploration companies in past recent years,and we did apply for a LUP as we exceeded the limits especcially to do with fuel storage amounts.

but our business plans no longer include offering mining exploration companies services with our land use permit.: If exploration companies use our facilities in the future, they will have to obtain and operate within their own LUP and comply with the MVLWB

regulations.. We will provide accommodation, meals, communications, and guide services under our Tourism Operator License..They will need to obtain their own Land Use Permits to allow fuel storage amounts, etc. as required by MVLWB..

The equipment that we have at Mackay Lake Lodge does not exceed the MVLW weight limits of 5 Tonnes and will be used to maintain existing roads to buildings and winter road access and this does not trigger the MVLWB permit requirements.

True North Safaris is the owner and operator of Mackay Lake Lodge and we are following up on our prior notice to MVLWB that we no longer request nor require a Land Use Permit to Operate Mackay Lake Lodge. We reported to you in an email on June 30, 2020 that we will not be exceeding any of the

"triggers" that MVLWB has established.

We appreciate your staff help in trying to understand some of these complicated difference between tourism and mining exploration. and we appreciate the MVLWB role in our economy and environment.

We are also emailing a copy of this to the necessary Community Governments including Tli Cho, YK Dene, North Slave Metis and Lutselke community

and asking them to advise and comment. We have had their working co-operations since we acquired Mackay Lake Lodge from the Rocher family in 1989.

Truly Malcolm Jaeb President

Gary Jaeb General Manager

True North Safaris / Mackay Lake Lodge

On 6/30/2020 4:04 PM, Andrew Wheeler wrote:Mackay Lake Lodge

Hi Gary,

The descriptions highlighted yellow in the table below identify the triggers for the current [Permit for Mackay Lake Lodge](#).

Triggers include the use of machinery for the airstrip and apron, fuel storage and camp person days. Please note this is not an complete list of all triggers that require a permit under the

*Mackenzie Valley
Land Use
Regulations*, but just
those that pertain to
the current
operations at
Mackay Lake
Lodge.

Activity	Type A Land Use Permit Trigger	Type B Land Use Permit Trigger
use of vehicles or machines	use of a vehicle or machine of a weight equal to or exceeding 10 tonnes, other than on a road or on a community landfill, quarry site, or airport	use of a vehicle the net weight of which equals or exceeds 5 tonnes but is less than 10 tonnes, or the use of a vehicle of any weight that exerts a pressure on the ground equal to or exceeding 35 kPa, other than on a road or within a community landfill, quarry site, or airport
storage of fuel	establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 80,000 litres	establishment of a petroleum fuel storage facility with a capacity equal to or exceeding 4,000 litres but is less than 80,000

		litres
machinery	use of a self-propelled, power-driven machine for moving earth or clearing land	-
lines, trails, or right-of-ways	leveling, grading, clearing, cutting, or snowplowing of a line, trail or right-of-way (other than a road or existing access trail to a building) that exceeds 1.5 metres in width and 4 hectares, for a purpose other than the grooming of recreational trails	leveling, grading, clearing, cutting or snowplowing of any line, trail or right-of-way (other than a road or existing access trail to a building) that exceeds 1.5 metres in width but does not exceed 4 hectares for a purpose other than the grooming of recreational trails
campsites	use of a campsite outside of a territorial park for a duration of or exceeding 400 person-days	use of a campsite outside of a territorial park for a duration of or exceeding 200 person-days but less than 400 person-days

I will await clarification from you with respect to changes taking place

at Mackay Lake Lodge that would eliminate the triggers. If a permit trigger is met, the submission of an application is required 60 days prior to the expiry of the existing authorization. In this instance the application would be required by July 25, 2020 as the current Permit expires on September 23, 2020.

Permit applications include the submission of an [application form](#) and supporting documentation. Part of the supporting documentation is an engagement record and engagement plan in accordance with the Boards' [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#). Please note that engagement with affected parties is required in advance of submitting the application.

Applications are reviewed by Board staff to ensure they

are complete. Once deemed complete the application is distributed for public review then presented to the Board for decision. The Board must make a decision within 42-days of the application being deemed complete, as per the *Mackenzie Valley Land Use Regulations*. Please note a guide is available to assist with the application process. The guide is available [via this link](#).

Please let me know if you would like to have a meeting to discuss the triggers or the application process. I can be reached at 867.766.7467.

Thank you,

Andy

Andrew Wheeler

Regulatory
Specialist

Mackenzie Valley
Land and Water
Board

ph 867.766.7467

-----Original
Message-----
From: Shelagh
Montgomery
<smontgomery@mvlwb.com>
Sent: Tuesday, June
30, 2020 1:45 PM
To: gary jaeb
<gary@truenorthsafaris.com>
Cc: Sarah Kalnay-
Watson
<[Sarah_Kalnay-
Watson@ntassembly.ca](mailto:Sarah_Kalnay-Watson@ntassembly.ca)>;
julie_green@ntassembly.ca;
Jen Potten
<jpotten@mvlwb.com>;
Andrew Wheeler
<awheeler@mvlwb.com>
Subject: RE: True
North Safaris
/Mackay Lake
Lodge

Hi Gary,

Thanks for reaching out. As I understand it from staff in my office (Andy and Jen, cc'd), they were waiting for clarification from you about what changes would be taking place on your site that would eliminate triggers that otherwise make it necessary to have a land use permit in place for your operations. To hopefully assist with that, they will send

you an email that summarizes the triggers for your current land use permit (as set out in the Mackenzie Valley Land Use Regulations) and outline the land use permitting process.

We would be happy to set up a meeting to walk through this as well. Please note that while the Land and Water Boards process, issue and manage land use permits and water licences, inspections to confirm compliance and any follow-up enforcement is conducted by government (GNWT-Lands in the case of your lodge).

Kind regards,

Shelagh

Shelagh
Montgomery, PhD

Executive Director

Mackenzie Valley
Land and Water
Board

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

-----Original
Message-----

From: gary jaeb
<gary@truenorthsafaris.com>

Sent: Tuesday, June
30, 2020 10:10

To: Shelagh
Montgomery
<smontgomery@mvlwb.com>;
julie_green@ntassembly.ca;
Sarah Kalnay-
Watson
<[Sarah_Kalnay-
Watson@ntassembly.ca](mailto:Sarah_Kalnay-Watson@ntassembly.ca)>

Subject: True North
Safaris /Mackay
Lake Lodge

Shelah

I sent you copies of
some

correspondances
regarding our
request to not
renew/discontinue,
our LUP for Mackay
Lake Lodge

Essentially,our
business is down and
we do not have the
\$\$ needed to renew
the LUP plus we do
not exceed the
volumes that
required a LUP plus
other lodges do not
have LUP We need
to be treated equally
and fairly

and the regulations,
as I read them
required us to submit
a discontinuation
plan for the lodge
like an exploration
camp would need to
do

but we plan to
continue with our
tourism services
with our Tourism
Operator License
(TOL) and our land
leases with DoL.

we do not need a
"take down" plan.

Please advise and
help is

needed/appreciated.

Truly

Gary Jaeb