

From: [Tyree Mullaney](#)
To: [Permits](#)
Subject: FW: NWT Federal Contaminated Sites: INAC eligibility for LUP under Section 18(b) of MVLUR
Date: Monday, July 11, 2016 8:45:17 AM

MV2016L8-0003 MV2016X0011 – INAC – CARD – Tundra – Eligibility for LUP

[Initial application](#)

[Application and related docs](#)

[Thanks](#)

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From: Carey Ogilvie [mailto:Carey.Ogilvie@aandc-aadnc.gc.ca]
Sent: May 18, 2016 9:47 AM
To: Angela Plautz <aplautz@mvlwb.com>; Rebecca Chouinard <rhouinard@mvlwb.com>; Tyree Mullaney <tyree@mvlwb.com>
Cc: Emma Pike <Emma.Pike@aandc-aadnc.gc.ca>; Joel Gowman <Joel.Gowman@aandc-aadnc.gc.ca>; Murray Somers <Murray.Somers@aandc-aadnc.gc.ca>
Subject: NWT Federal Contaminated Sites: INAC eligibility for LUP under Section 18(b) of MVLUR

Hi Tyree, Rebecca and Angela,

I understand our recent land use application for the Tundra Remediation Project generated some conversations and questions related to INAC's contaminated sites and their eligibility for Land Use Permits (LUP) under Section 18(b) of the Mackenzie Valley Land Use Regulations. Our understanding is that INAC's right and responsibility to access these lands for the purposes of remediation are defined and outlined in several ways as referenced below:

Access to Federal Land

NWT Devolution Agreement -
[Responsibility for Waste Sites](#)

Section 6.4(a) Subject at all times to the express provisions of this Chapter 6, the allocation of responsibility for the Management of Waste Sites among the Parties pursuant to this Agreement is based upon the following principles: Canada is responsible for the Management of Waste Sites on Public Lands which were wholly created prior to the Transfer Date;

[Sites Requiring Remediation](#)

Section 6.43 All Sites Requiring Remediation listed in Part D of the Inventory of Sites at the Transfer Date shall be excluded from the transfer of administration and control referred to in Section 3.1 and shall be included in the inventory of exclusions referred to in Section 3.34.

Right to Access GNWT Land

NWT Devolution Agreement -

Access by Canada

Section 6.62 Canada shall have the right to access Public Lands and Waters and the right to use natural resources in or on Public Lands in order to fulfill its responsibilities in respect of this Chapter 6.

Responsible Minister - Sites Requiring Remediation by INAC

NWT Devolution Agreement - Schedule 4, Part 6

Schedule 4, Part 6, lists and describes all waste sites to which INAC has specific responsibility. These sites are further described under Schedule 7, Part D, of the Agreement.

Hopefully the above provides adequate clarity with regards to INAC's eligibility to receive a LUP under Section 18(b) of the MVLUR. If adequate, I assume this explanation would apply to all future INAC LUP applications of a similar nature. We would also be pleased to discuss.

Thank you,

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