



Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

December 19, 2018

File: MV2018F0024

Mr. Scott Stewart
Regional Superintendent
Government of the Northwest Territories – Department of Lands
PO Box 1320, 140 Bristol Ave
Yellowknife, NT X1A 2L9

Email: Scott_Stewart@gov.nt.ca

Dear Mr. Stewart:

Information Request

Winter Road Construction, Lac de Gras, NT to Lupin Mine, Nu

On December 17, 2018, the Board received an application for a new Land Use Permit (Permit) from Nahanni Construction Ltd. for the construction, operation and maintenance of the winter road from Lac de Gras in the NWT to the Lupin Mine in Nunavut. Board staff are seeking further clarification from the GNWT regarding, eligibility, under paragraph 18(b) of the Mackenzie Valley Land Use Regulations:

A person is eligible for a permit who
(b) in any other case, has the right to occupy the land **and** either contracts to have the land use operation carried out or is the person who is to carry other the operation.

Board staff are seeking further information from GNWT - Lands on the following:

1. Clarify the position of the GNWT - Lands on Nahanni Construction Ltd.'s eligibility with certainty (are they or are they not eligible?); and
2. Nahanni Construction Ltd. is requesting to operate the road as a contractor to a supplemental company who has the authorization for the remediation of the Lupin Mine. Please explain whether 18(b) applies when the development is outside of the NWT and the operator is a contractor. Please provide rational and include any resource to support the position of the GNWT.

Please provide your response to the Board by January 8, 2019.

If you have any questions concerns regarding the meeting please feel free to contact Tyree Mullaney at (867) 766-7464 or via email at tyree@mvlwb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hotson".

Chris Hotson
Regulatory Manager