



NEWS RELEASE

Government of Canada confirms land use permits issued under the Mackenzie Valley Land Use Regulations may be extended multiple times

(Yellowknife, NT – October 27, 2020) As part of its advocacy work to support the Northern minerals industry, the NWT & Nunavut Chamber of Mines recently approached the NWT Land and Water Boards (LWBs) and the territorial and federal governments with a request for actions to assist the minerals industry. One suggested action was to allow for multiple extensions of land use permits (LUPs). At the time, the LWBs indicated that they could not grant more than a single two-year extension of LUPs under the *Mackenzie Valley Land Use Regulations* without a legislated amendment. The Chamber took a different view, making further submissions to the LWBs and the federal government indicating that no such restriction exists.

Today, the Chamber is pleased to report that Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), the federal department with responsibility for the *Mackenzie Valley Resource Management Act*, has confirmed the Chamber's interpretation, stating "we believe it would be reasonable for the land and water boards to conclude that the board could consider multiple term extension requests from permit holders" beyond a total of two years. This does not mean that multiple extensions would be automatically granted — since the LWBs properly retain the discretion, acting reasonably, to determine whether or not a LUP ought to be extended in any particular case — but there is no legal impediment to the LWBs doing so.

As this interpretation diverges from the way the LWBs have interpreted the regulations for the past 20 years, we expect that there will be an adjustment period for the LWBs to adapt. Nevertheless, the Chamber is confident that the LWBs will follow the normal regulatory process and evaluate each extension request on its own merits based on the evidence and submissions before it.

Ken Armstrong, President of the Chamber, noted: The Chamber appreciates the interpretative approach CIRNAC has taken to LUP extension applications, which is an excellent demonstration of the message from LWBs and governments that they are trying to accommodate industry concerns in ways that do not require legislative change. This interpretative change will lead to a positive legacy — for not only the mineral industry but also land use permittees across other sectors such as governments, municipalities, Indigenous communities, and scientific researchers.

A collection of the correspondence on this matter can be found on the LWBs website [here](#).

For more information on the NWT and Nunavut mining industries, please visit the website at www.miningnorth.com or contact Tom Hoefer, Executive Director at Tel: 867-873-5281 or email: executivedirector@miningnorth.com.