

Changes to Land Use Permits:
Guide to Amendments, Assignments,
Discontinuances, Extensions and
Storage Authorizations



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*Helping the people of the
Mackenzie Valley, and industry,
participate in responsible resource
development*

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Changes to Land Use Permits

Introduction

A holder of a Land Use Permit (LUP) with the Mackenzie Valley Land & Water Board (MVLWB) may apply for:

1. Amendments to any of the conditions of a permit;
2. Assignment of their LUP to another party;
3. A discontinuance of the LUP;
4. An extension to the existing term of their permit; or
5. Authorization to store items required for future land use operations after the permitted land use has been completed.

The legislation governing these areas is the Mackenzie Valley Resource Management Act (MVRMA) and the Mackenzie Valley Land Use Regulations (MVLUR). Copies of the Act, Regulations, all applicable application forms and other related guidelines can be obtained from the MVLWB office in Yellowknife or on the web at www.mvlwb.com.

Holders of LUPs in the Sahtu or Gwich'in settlement areas must apply directly to either the Sahtu Land and Water Board (SLWB) or the Gwich'in Land and Water Board (GLWB) for any desired changes to those permits.

SLWB
Box 1
Fort Good Hope, NT X0E 0H0
www.slwb.com
Phone: (867) 598-2413
Fax: (867) 598-2325

GLWB
Box 2018
Inuvik, NT X0E 0T0
www.glwb.com
Phone: (867) 777-7961
Fax: (867) 777-7970

Amendments

An amendment to a LUP is any change to a **condition** of the permit, excluding the term. An amendment is **not** a change to the **scope** of a permit. If a desired change to an operation is **not** within the scope of the permit, the changed operation will require a new permit and a new permit application.

Requests for an amendment to a LUP must include a completed application form. Amendment requests require a preliminary screening and permittees must submit sufficient information on the application for reviewers to understand the impact of the requested amendment. While it is not necessary to redo all original studies, applicants must include proof of community involvement with the application (See the Board's "Public Involvement Guidelines..."). The extent of contact with affected communities will be less than with a new application, but copies of letters to the community explaining the amendment request, and phone logs detailing follow up will be required.

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A letter from the permittee must accompany the application form and the letter must set out:

1. The conditions which the permittee wishes to have amended;
2. The nature of the proposed amendment; and
3. The reason for the proposed amendment.

Assignments

When the current holder of a LUP agrees to transfer the rights provided under that LUP to a new party, the LUP must be assigned to the new party. It is very important that the new permittee (Assignee) understand that in accepting the assignment of the Permit, they accept responsibility for:

- The performance of all of the terms and conditions of the Permit;
- **All liabilities** incurred as a result of the Assignor's actions to date under the Permit; and
- Payment to the MVLWB of all security required of the Assignor when the Permit was granted.

Payment of security must occur before any activity can be undertaken by the new permittee under the assigned Permit.

To obtain an assignment of a Land Use Permit, the Assignee must:

1. Complete the Application to Assign a Land Use Permit which includes a Declaration by the Assignor and the Signature of the Assignor;
2. Pay the security required by the Permit; and
3. Enclose a cheque for the Assignment fee of \$50.00 made payable to the Receiver General.

Discontinuance

A permit holder who wishes to discontinue the land use operation at any time prior to the expiration date in the permit, can have the expiry date of the permit amended to reflect this new completion date. The permittee will give notice of the discontinuance in writing to the Board at least 10 days prior to proposed date. The Board will then amend the expiration date of the permit accordingly and will forward a copy of the amended permit to the permittee and to the inspector.

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Extensions

A permittee may request **one** extension to a Land Use Permit for **up to two years**. If the request is for less than two years, the permittee cannot then request a second extension for the remainder of the two years.

The request for an extension should be received at least 45 days prior to the expiry of the permit to allow time for the extension request to be processed. The Board cannot grant an extension to a permit that has expired.

To request an extension to a Land Use Permit, the permittee must submit a letter to the Board. The letter should clearly state:

1. The reason for the extension request;
2. The length of time the permittee is requesting for the extension; and
3. Any other information which would support the extension request.

Once an extension request is received by the Board, staff may circulate it to reviewers for comments if they feel there may be public concern over the extension. No Preliminary Screening is required but the process of reviewing and forwarding the request to the Board for a decision will take from 15 to 30 days if all required information is provided with the request.

Storage Authorizations

A permittee may request authorization from the Board to store any structures, temporary buildings, machinery, equipment, materials, fuel drums and other storage containers and any other items used in connection with the permitted operation for up to one year following expiration of a Land Use Permit.

The permittee must complete the Application for Storage available from the Board with enough information to adequately describe the items to be stored and the location where they will be stored. The permittee must also provide a letter from the landowner agreeing to allow storage of the specified items.

Once an Application for Storage is received by the Board, staff may circulate it to reviewers for comments. No Preliminary Screening is required but the process of reviewing and forwarding the request to the Board for a decision will take from 15 to 30 days if all required information is provided with the request.

Once the Board has made a decision on the request, the RO will forward the appropriate letter to the permittee stating the outcome of the Board Meeting.