



August 12, 2020

Mr. Ken Armstrong
President
NWT and Nunavut Chamber of Mines
#4, 5120 – 49TH STREET
YELLOWKNIFE NT X1A 1P8
Email: karmstrong@northarrowminerals.com

Dear Mr. Armstrong:

COVID-19 Impacts and Request for Deferrals or Extensions - Regulatory Conditions

Thank you for your letter to the Government of the Northwest Territories – Environment and Natural Resources (ENR), and the Mackenzie Valley and Wek'èezhì Land and Water Boards (LWBs) in which the Chamber requested action to assist the mineral industry through the COVID crisis including the extension of the expiry dates of water licences and land use permits, as well as a deferral of annual reporting. ENR appreciates that the COVID-19 pandemic has changed the landscape for developers and development in the NWT given restrictions imposed to protect northerners and our communities from COVID-19.

Regarding the issuance of policy direction to the LWBs, currently only Crown Indigenous Relations and Northern Affairs Canada (CIRNAC) has the authority to issue policy direction to LWBs under subsection 83(1) and section 109 of the *Mackenzie Valley Resource Management Act*. Any policy direction issued by CIRNAC must be consistent with legislation; therefore, it could not allow for blanket term amendments to certain land use permits and water licences. However, LWBs have existing discretion to change the terms of water licences on lands outside a federal area on their own initiative if it is deemed to be in the public interest. Should the Chamber have questions related to activities occurring *inside* a federal area, it is advisable that they discuss and direct any inquiries to CIRNAC.

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The role of the Minister of ENR for any adjustments to the term of any land use permits and water licences, on lands outside a federal area, is limited to approving changes to the term of any Type “A” water licences.

If any of the licences for which the Chamber of Mines has requested relief, are Type “A” water licences, this would require a call for a public hearing under s. 41(2)(b) of the *Waters Act*.

Regarding the request to defer the submission dates of annual reporting, ENR notes that changing compliance dates within a water licence is at the discretion of the LWBs. Existing proponents can make a request to the relevant LWB for reporting deferrals based on their own unique circumstances.

Thank you for bringing your concerns and recommendations to my attention. Should you wish to discuss further, please feel free to contact Mr. Rick Walbourne at [Rick Walbourne@gov.nt.ca](mailto:Rick.Walbourne@gov.nt.ca).

Sincerely,



Nathen Richea
A/Assistant Deputy Minister
Environment and Climate Change
Environment and Natural Resources

c. Honourable Senator Margaret Dawn Anderson
Northwest Territories
Senate of Canada

Honourable Shane Thompson, Minister
Environment & Natural Resources & for Lands
Government of the Northwest Territories

Honourable Katrina Nokleby, Minister
Industry, Tourism & Investment
Government of the Northwest Territories

Honourable Dan Vandal, Minister
Northern Affairs Canada

Honourable Michael McLeod
Member of Parliament for the Northwest Territories

Mr. Matt Spence, Regional Director General
Crown-Indigenous Relations and Northern Affairs Canada

Ms. Pamela Strand, Deputy Minister
Industry, Tourism & Investment
Government of the Northwest Territories

Mr. Serge Beaudoin, Assistant Deputy Minister, Northern Affairs
Crown-Indigenous Relations and Northern Affairs Canada

Ms. Mavis Cli-Michaud, Chair
Mackenzie Valley Land & Water Board

Mr. Joseph Mackenzie, Chair
Wek'èezhìi Land and Water Board

Mr. Ryan Fequet, Executive Director
Wek'èezhìi Land and Water Board

Ms. Shelagh Montgomery, Executive Director
Mackenzie Valley Land & Water Board

Ms. Paula Isaak, President
Canadian Northern Development Agency