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November 29, 2019

File: MV2019C0025  
MV2019L2-0011  
MV2019L2-0012

Mr. Brent Murphy  
Vice President, Environmental Affairs  
106 Front Street East, Suite 400  
TORONTO ON M5A 1E1

Sent via Email

Dear Mr. Murphy:

**Question of the Applicability of Section 152 of the *Mackenzie Valley Resource Management Act***

On September 18, 2019, the Mackenzie Valley Land and Water Board (the Board) received applications from Seabridge Gold (NWT) Inc. (Seabridge) for mineral exploration in the vicinity of Courageous Lake, NT. In the applications Seabridge indicated that section 152 of the *Mackenzie Valley Resource Management Act* (MVRMA) should be applied to the area of Lease 76D/3-6-6 and thus suggested that any land use permit issued by the Board should not include that area.

During the review of the applications via the Board's Online Review System (ORS), the Government of the Northwest Territories – Department of Lands provided a July 14, 2005 letter from Indian and Northern Affairs Canada (INAC) advising the Lease holder at that time that the Lease is subject to the Mackenzie Valley Land Use Regulations and that any activity may require a land use permit.

The Board must therefore conclude that the question of the application of section 152 needs to be resolved before the scope/application of a land use permit can be determined.

This is a legal issue which has been considered by the Wek'eezhii Land and Water Board (WLWB)<sup>1</sup>, and under subsection 103(3) of the MVRMA a decision of a regional panel is a decision of the Board. As pointed out by Seabridge (in the Administrative law materials they filed) Administrative tribunals are not bound by their previous decisions. The Board is open to hearing from Seabridge and other Parties if it is felt the WLWB Dominion decision should not be applied.

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<sup>1</sup> See [Wek'eezhii Land and Water Board – Misery Underground – Request for Ruling – Reasons for Decision](#) – May30, 2019

The Board is hereby issuing a Directive under its Rules of Procedure to guide the process for making the section 152 decision. This process is open to all Parties. A work plan identifying the steps in this process and submission due dates is attached.

If you have any questions relating to this proceeding, please contact Tyree Mullaney at (867) 766-7464 or [tyree@mvlwb.com](mailto:tyree@mvlwb.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelagh Montgomery', written over a light grey rectangular background.

Shelagh Montgomery  
Executive Director  
Mackenzie Valley Land and Water Board

Copied to: Distribution List  
Attached: Directive

**Directive: Work Plan for section 152 Proceeding - Seabridge Gold (NWT) Inc. – MV2019C0025, MV2019L2-0011, MV2019L2-0012**

<b>Task</b>	<b>Responsible Party</b>	<b>Date Due</b>
Provide any additional evidence, including a copy of the Lease 76D/3-6-6.  Note, the Lease will be held under confidential cover and not placed on the Board's online registry.	Seabridge	December 5, 2019
Any Party wishing to see the Lease must provide their rationale to the Board and if access is granted, they must make arrangements satisfactory to the Board to ensure confidentiality of the document.	Parties	December 5, 2019
File evidence on the section 152 issue	Parties	December 11, 2019
File argument as to why section 152 should not apply	Seabridge	December 16, 2019
Final Argument	Parties	December 18, 2019
Final Argument	Seabridge	December 20, 2019