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May 15, 2015

*Our file*      *Notre référence*  
02-HCAA-CA6-00002

Mackenzie Valley Land and Water Board  
Attention: Julian Morse  
4922 48<sup>th</sup> St. P.O. Box 2130  
Yellowknife, NT  
X1A 2P6

Dear Mr. Morse:

**Subject: Comments on North American Tungsten Corporation Ltd. - Water Licence (Renewal) - MV2015L2-0003**

Fisheries Protection Program (the Program) of Fisheries and Oceans Canada – would like to thank the Mackenzie Valley Land and Water Board (MVLWB) for the opportunity to provide comments on the Water Licence Renewal Application – MV2015L2-0003 provided by North American Tungsten Corporation Ltd. (NATCL).

As outlined in your request dated April 27, 2015, reviewers are invited to submit comments and recommendations to the MVLWB by May 26, 2015. NATCL's proposal has been reviewed to determine whether it is likely to result in serious harm to fish which is prohibited under subsection 35(1) of the *Fisheries Act*. NATCL's proposal has also been reviewed to determine whether it will adversely impact listed aquatic species at risk and contravene sections 32, 33 or 58 of the *Species at Risk Act* (SARA).

Our review considered the Water Licence MV2002L2-0019 – Renewal Application and the attached appendices A through G.

The Program understands that NATCL is proposing to withdraw water at rates that are not to exceed 45,000 cubic meters per week and discharge water to the Flat River, as per existing conditions of Water Licence MV2002L2-0019. Typical water usage has averaged 19,500 cubic meters per week over the past year and it is anticipated that the rate of withdrawal will remain consistent in the future. NATCL is requesting that the existing Water Licence MV2002L2-0019 be renewed for a term of 10 years.

The Program notes that NATCL's response to question 1.8 of the Mining Industry Questionnaire indicates that the current freshwater intake facility is equipped with 20 mm screens. This appears to be inconsistent with the existing Condition D.3 of Water Licence MV2002L2-0019, which states that "fresh Water intake pumps shall be equipped with a screen with a mesh size sufficient to ensure no entrainment of fish, as outlined in

Fisheries and Oceans Canada Freshwater Intake End-of-Pipe Fish Screen Guidelines (2005 [sic])." In comments submitted by DFO regarding NATCL's previous Water Licence Renewal, on October 8, 2008, DFO recommended that "The intake screen should be redesigned to be consistent with the DFO Freshwater Intake End-of-Pipe Fish Screen Guideline (1995). The required mesh size is 2.54 mm or 1/10." DFO requests clarification from both NATCL and MWLWB on the rationale for the 20mm screen, and whether intake screens have been sized in accordance with Condition D.3 since 2008.

The Program has no other comments or concerns regarding NATCL's Water Licence Renewal Application. As such, DFO will not be participating in the Technical Sessions on June 17, 2015, the Pre-Hearing Conference on July 7, 2015, or the Public Hearings scheduled for August 26-27, 2015.

DFO will continue to work cooperatively with the MVLWB and NATCL regarding the development of the Interim Closure and Reclamation Plan and the Aquatic Effects Monitoring Plan as they relate to the mandate of the Fisheries Protection Program. The mandate of the Program is to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.

Since there are no SARA species or their habitats identified in the project area, no additional approvals under SARA will be required for the proposed activities.

Provided that NATCL implements the required mitigation measures for its project and follows the guidance available on the Fisheries and Oceans Canada's (DFO) website at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>, the Program is of the view that NATCL's proposal should not result in serious harm to fish or contravene sections 32, 33 or 58 of SARA. No formal approval is required from the Program under the *Fisheries Act* or SARA in order to proceed with its proposal.

It remains NATCL's responsibility to ensure it avoids causing serious harm to fish in compliance with the *Fisheries Act*, and that NATCL meets the requirement under SARA as it may apply to its project. If NATCL's plans changed or if the description of its proposal is incomplete, or changes in the future, NATCL should consult DFO's website <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> or consult with a qualified environmental consultant to determine if further review is required by the Program.

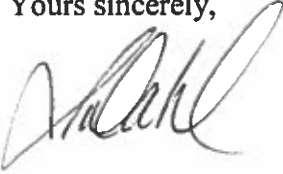
Please be advised that it is NATCL's *Duty to Notify* DFO if it has caused, or is about to cause, serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery. Such notifications should be directed to <http://www.dfo-mpo.gc.ca/pnw-ppe/violation-infraction/index-eng.html>.

It remains NATCL's responsibility to meet all other federal, territorial, and municipal requirements that apply to its project.

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If you have any questions, please contact Julie Marentette at our Yellowknife office at 867-669-4934, or by email at [Julie.Marentette@dfo-mpo.gc.ca](mailto:Julie.Marentette@dfo-mpo.gc.ca). Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Julie Dahl', written in a cursive style.

**Julie Dahl**  
Regional Manager, Regulatory Reviews  
Fisheries Protection Program

cc. Julie Marentette - DFO

