



Mackenzie Valley Land and Water Board
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November 23, 2015

File: MV2015L2-0003

Ms. Deborah Flemming
Environmental Superintendent
North American Tungsten Corporation Ltd.
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VANCOUVER BC V6E 4A2

dflemming@natcl.ca

Mr. Mohan Denetto
Regional Director General
Aboriginal Affairs and Northern Development Canada
4923-52th Street
YELLOWKNIFE NT X1A 2R3

mohan.denetto@aandc.gc.ca

Dear Ms. Flemming and Mr. Denetto:

UPDATED Information Request – Response Required
North American Tungsten Corporation Ltd. – Cantung Mine

On November 18, 2015, the Mackenzie Valley Land and Water Board (MVLWB/ the Board) received a letter from Aboriginal Affairs and Northern Development Canada (AANDC) which notified the Board of the following:

1. the transfer of mineral tenures for the Cantung site to the Government of Canada (Canada);
2. the Cantung site is now considered a New Site Requiring Remediation under section 6.28 of the *Northwest Territories Lands and Resources Devolution Agreement* that was made on June 25, 2013; and,
3. Canada had become responsible for the management of the Cantung site under subsection 53.1(1) of the *Mackenzie Valley Resource Management Act* (MVRMA).

Due to the change in land ownership described above, the legislation referenced in the November 12, 2015 Information Request needs to be updated to reflect the legislation that applies to federal areas, including the applicant's ability to satisfy the board that they have adequate financial responsibility to complete the undertaking, conduct any mitigative measures that may be required, and maintain and restore the site in the event of any future closing or abandonment of the undertaking as per paragraph 72.03(5)(d) of the MVRMA.

Information on the record to date indicates that the Applicant (North American Tungsten Corporation Ltd. (NATCL)) is insolvent, and the November 18, 2015 letter (referenced above) does not clearly explain that a sale or other disposition of any right, title or interest

of NATCL has been made to support an assignment, or other such transfer of the project to Canada. In the absence of any proof of the Applicant's ability to satisfy paragraph 72.03(5)(d) of the MVRMA, the Board will be unable to issue this water licence. It is important that this evidence, if it exists, or any other evidence that could support the Applicant's ability to satisfy paragraph 72.03(5)(d) be brought forward. Furthermore, because the site is now a federal area, NATCL is encouraged to collaborate a response with Canada.

It is also important to note that this is a renewal application for mining and milling, that falls under section 157.1 of the MVRMA.

Updated Questions:

1. Please confirm that NATCL remains the owner of the site, or provide evidence showing that a sale or other disposition of any right, title or interest of the licensee has been made to support an assignment or any other information relating to the ownership of the site.
2. Please provide the Board with a copy of any agreement with Canada relevant to NATCL's capacity to meet the requirements of paragraph 72.03(5)(d) of the MVRMA.
3. Please provide any other information which bears on NATCL's capacity to meet paragraph 72.03(5)(d) of the MVRMA.

Timing and Delivery:

Note: The deadline for responding to this updated Information Request is unchanged.

Given the tight timeline prior to the expiration of existing Water Licence MV2002L2-0019, the Board encourages NATCL and Canada to collaborate and submit coordinated responses to these questions. **Please deliver responses to Jen Potten, A/Regulatory and Office Manager no later than 8 AM (MST) November 30, 2015.**

Yours sincerely,



Jen Potten
A/Regulatory and Office Manager

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