

Permits

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Cc: Jen Potten; Angela Plautz; Lindsey Cymbalisty; Rebecca Chouinard
Subject: MV2015L2-0003 - NATCL - Draft WL Comments and Responses Submission
Attachments: 20151016 NATCL WL Renewal Draft Comments and Responses.pdf

To the North American Tungsten Corporation Ltd. Distribution List;

Please find the attached responses to reviewer comments on the Draft Water Licence for the renewal process for Water Licence MV2015L2-0003.

Please contact me if you have any questions.

Julian Morse
Regulatory Officer

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Subject: NACL - Draft WL Comments and Responses Submission

Hello

Please find attached NATCL's comments and reviewer comment responses for the WL Renewal Draft Licence.
Thank you

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Sent by Email

October 16, 2015

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Attention: Mr. Julian Morse, Regulatory Officer

Re: MV2015L2-0003 Water License Renewal Draft WL Comments and Responses

North American Tungsten Corporation is submitting comments on the draft water license and responses to the comments submitted by Reviewers. NATCL has reviewed the Draft WL and has laid out the comments and responses in the order the Draft Water Licence. NATCL comments and responses follow the WL sections and reviewer comments.

WL Part A.: Scope and Definitions

1.

These activities are described in submissions to the Mackenzie Valley Land and Water Board, including, but not limited to:

- xv. The complete Water Licence renewal Application received April 21, 2015;
- xvi. The complete Water Licence Application and attachments dated February 6, 2008, subsequent Information Requests, and Information Request responses dated May 20, 2008 and July 17, 2008; and
- xvii. Amendment Applications and related documents submitted after the February 6, 2008 Water Licence Application.

If any discrepancy or conflict results from reference to the submissions in subparagraphs xv to xvii the contents of the more recent document shall prevail.

GNWT1: Scope

The scope notes that it is inclusive of the documents from 2008 and the renewal application in 2015 but is unclear whether this includes the various amendments that occurred between 2008 and 2015 such as the implementation of the wastewater treatment facility and the dry-stack tailings facilities.

GNWT#1 - ENR requests clarification that the amendments occurring between 2008 and 2015 are captured within the scope of the draft Water Licence (i.e. that they are captured within the 2015 renewal application).

NATCL#1 –NATCL’s understanding is that this includes all amendments.

EC#1 - Under Section a) (pg. 2), replace “through” with “to” under items ii) & iv).

NATCL#2 – NATCL has no issue with this recommendation

NATCL#3 – Suggest adding the word “treated” to Section 1. a) vi. Disposal of “Treated” Sewage

GNWT 2: Definitions

Under the definition for the “Board”, the amended definition states that the MVLWB was established under the “Act”. However, the “Act” in the definitions refers to the Waters Act. This definition is not accurate in this context and as such the phrase Mackenzie Valley Resource Management Act should remain to avoid any confusion.

GNWT#2 - ENR recommends that the phrase *Mackenzie Valley Resource Management Act* remain under definition of “Board” to avoid confusion with the *Waters Act*.

EC#2 - Under the definition of “Board” (pg. 4), retain the full name of the *Mackenzie Valley Resource Management Act* as opposed to the “Act” given the Act is defined as the territorial legislation “Waters Act” within the WL.

NATCL#4 - NATCL agrees with this recommendation.

2. Definitions

EC#3 - Under the definition of “Metal Leaching” (pg. 5), capitalize **Water**.

EC#4 - Under the definition “Professional Geoscientist” (pg. 6), italicize “*Engineering and Geoscience Professions Act*”.

NATCL#5 - NATCL has no issue with these recommendations for the definitions.

EC#5 - Broaden the definition of “Seepage” (pg. 6) to include structures that are not engineered, such as waste rock piles.

NATCL#6 - The water from the non-engineered structures is referred to as ‘drainage’ in the WL. Keeping the separation between engineered and non-engineered, seepage vs. drainage, will be important for development and understanding in management plans and reporting.

NATCL#7

Suggest adding a definition for “Runoff” – the water collected and moved in ditches to tributary streams or the Flat River, not impacted by Project activities. This is an important distinction for the water management and hydrology plans and the subsequent reporting requirements. “Runoff” is used in the reporting requirements section, without a definition this requirement is ambiguous.

Tailings Containment Area – includes comprises the following Engineered Structures and areas designed to contain Tailings: Tailings Pond 1, Tailings Pond 2, Tailings Pond 3, Tailings Pond 4, and Tailings Pond 5 as depicted in the Water Licence Application **and attachments dated February 6, 2008**.

NATCL#8 – Change the February 6, 2008 date to April 2015 submission attachments. They are the most up to date versions of the TCA mapping and description.

WL Part B: General Conditions

EC#6 - Reduce redundancy between Items 5 & 6 (pg. 9).

EC#7 - Under Item 9 (pg. 9), use the following wording: “The Licensee shall comply **with** the Surveillance Network Program, which is annexed to and forms part of this Licence...”

NATCL#9 - NATCL agrees with EC#6 and EC#7 suggestions.

B.14. Within **TIME (time)** following issuance of this Licence, the Licensee shall submit to the Board, for approval, an **Engagement Plan**. (pg.10)

NDDB#1 - *The Board has requested reviewer comments on the deadline for submission of an engagement plan. NATCL has long standing relationships with NDDB and other stakeholders and as such, compiling, reviewing, updating and formalizing an engagement plan should not be a particular challenge. However, given that the company's structure is going to soon be changing and with it, a change in leadership and possible staff changes, it will be important to ensure that relationships are renewed and clarified as soon as possible to ensure continued effective collaborations and oversight. NDDB therefore encourages the Board to consider an engagement plan a priority.*

NDDB#1 - *Recommend that an engagement plan be submitted to the Board no later than (30) days following issuance of this License.*

DFN#14 - *MVLWB is looking for guidance from reviewers on the timeline for NATCLs submission of an Engagement Plan. Given the recent changes facing NATCL (i.e. entering Care and Maintenance in November, the company is in creditor protection and that there have already been changes to the Board of Directors); it is important that there is clarity on communication and engagement between NATCL and DFN and community First Nations as soon as possible. DFN therefore encourages the Board to consider the development of an engagement plan a priority.*

NDDB has recommended that an engagement plan be submitted to the Board no later than (30) days following issuance of this License. DFN agrees with this timeline and supports NDDBs proposal that an Engagement Plan be submitted to the Board 30 days following issuance of the Water License

NATCL#10

NATCL requests a time of **90 days** following the issuance of this Licence. This will allow for initial engagement under new ownership with the Deh Cho region and to appropriately complete the document. We also believe it will be important to ensure the relationships are renewed; however, this may take some time.

30 days is too short of a time frame to conduct an initial discussion with First Nations and new owners. The NDDB IBA guides the specific engagement. NATCL staff is committed to providing any information that becomes available about the future of the Cantung mine, to all affected parties and reviewers. Additionally, all regulatory submissions are provided to DFN, NDDB, LKFN and Metis 52 on an on-going basis.

WL Part C: Conditions Applying to Security Requirements

GNWT#3

Part C, Clause 4 states: "If the amount of the security deposit is revised by the Board as described under Part C, Item 3, the licensee shall post the revised amount with the Minister within ninety (90) days of the Board giving notice of the revised amount."

As noted in the June 12, 2015 letter from the Minister of ENR to the Board approving the Dry Stack Amendment to the Cantung Licence, the Licence cannot place a requirement on the Minister of Environment and Natural Resources to accept a form of security within a specified timeframe. The Minister will take the necessary time required to ensure that any form of security provided under a Water Licence is in an acceptable form and with appropriate conditions, as per the authority provided under the Waters Act and associated regulations.

NATCL #11 - NATCL continues to work with the GNWT regarding the form and schedule of the securities.

Perhaps the wording could be revised to say "to be posted in a form and timeframe approved by the Minister."

NATCL awaits the decision of MVLWB regarding the request to decrease the securities amount based on newly presented information, under separate submission.

WL Part D: Conditions Applying to Water Use

D.2. The weekly quantity of Water withdrawn using the Water Supply Facility shall not exceed thirty thousand (30,000) cubic metres (m³).

NATCL #12 - NATCL acknowledges the decreased limit on the weekly quantity of water.

D.3. The Licensee shall equip and maintain the fresh Water intake pumps with a screen designed to prevent the impingement and/or entrainment of fish. The screen shall have with a mesh size sufficient to ensure no entrainment of fish, as outlined in Fisheries and Oceans Canada's 2005 *Freshwater Intake End-of-Pipe Fish Screen Guidelines*.

NDDB#2 - *The proponent is required to use a minimum mesh size in accordance with the 2005 DFO Freshwater Intake End of Pipe Fish Screen Guidelines. Previously, there was text specifying that "subsequent editions" would also need to be followed however this text has been deleted.*

Recommend that the proponent be required to comply with changes to guidelines within a reasonable time frame if such changes occur.

NATCL#13 – Part A.1.e. addresses the requirement to meet all applicable federal and territorial legislation; which would include any updated DFO guidelines.

WL Part E: Conditions Applying to Construction

E.1. The Licensee shall ensure that all structures intended to contain, withhold, divert, or retain Water or Wastes are designed, constructed, and maintained to minimize the escape **of** Waste to the Receiving Environment.

Background: The Board staff has requested recommendations regarding the new standard condition and its enforceability given that the existing tailings ponds were designed to exfiltrate. The Board has also requested recommendations be extend to consider future dry stack facilities.

EC#8

EC recognizes that the existing tailings ponds were designed to exfiltrate (not intended to retain the water), but intended to withhold the solids, allowing those facilities an exemption for the escape of water through exfiltration.

EC#8 - Retain the clause above within the Water Licence as it applies to the ability to hold water in Stinky pond if necessary, and in any collection ponds constructed in connection with the dry stack facilities.

NATCL #13 - Add the word “of” as indicated in E.1 above.

NATCL#14 - NATCL believes this condition is appropriate, as long as the intended designs are known and approved. This would be compliance to the application and the design.

Since the exfiltration ponds were not designed or intended to minimize the escape of water there is no non-compliance issue.

Further to that, the new dry stack tailings facilities will have a design standard for the construction that identifies the intended ability to contain, withhold, divert or retain wastes or wastewater.

WL Part E: Final Detailed Construction Plans and As-Built Reports

E.11. A minimum of six (6) months prior to the commencement of the installation of a cover on Dry Stack Tailings Storage Facility TSF6, the Licensee shall submit to the Board, for approval, a **Final Detailed Cover Design Plan – TSF6**, in accordance with Schedule 2, **item 6**. Construction may be carried out only with written approval from the Board.

NATCL#15 – In Part E.11, the reference to item 6, should be to Schedule 2, item 5.

E.15. Within ninety (90) days of the completion of the construction of the Engineered Structures identified in Part E, items 6 through **11**, the Licensee shall submit to the Board **As-Built Reports** which shall include as-

built drawings of the structures, documentation of field decisions that deviate from the Final Detailed Construction Plans and the Final Detailed Cover Design Plan, and any data used to support these decisions.

NATCL#16 – In Part E.15, the reference to items 6 through 11, suggest this should read “items 6 through **12**”.

GNWT 5: Monitoring Wells

The Board has requested recommendations from reviewers regarding the removal of the condition related to the installation of monitoring wells as it is noted that the Board “understands” that this work has been completed.

GNWT #5 - ENR recommends, in order to alleviate the Board’s concern in this regard, that NATCL provide written confirmation that the requirements of this condition have been met (i.e. provision of installation report(s)).

EC#9 - As suggested by the Board, the removal of Item 11, the construction and installation of monitoring wells (pg. 14), is reasonable as the installation is completed and the required information is already submitted.

NATCL#17 - NATCL has no issue with the recommendation to remove this condition. The installation reports were submitted in 2009 and are on the Public Registry.

<http://www.mvlwb.ca/Boards/mv/Registry/2002/MV2002L2-0019/Reports/MV2002L2-0019%20-%20NATCL%20-%202009%20GWM%20Well%20Installation%20Report%20-%20Scanned%20Copy%20-%20Oct20-09.pdf>

Part F: Conditions Applying to Modifications

1. The Licensee may, without written approval from the Board, carry out Modifications to the existing or planned physical works, provided the following requirements are met:
 - a) The Licensee has notified the Board **and an Inspector** in writing of such proposed Modifications at least sixty (60) days prior to the beginning of the Modifications;
 - b) The Modifications do not place the Licensee in contravention of either the Licence or the Act;
 - c) The Board has not, during the sixty (60) days following notification of the proposed Modifications, informed the Licensee that review of the proposal will require more than sixty (60) days;
 - d) **An Inspector has authorized the proposed Modifications and provided a letter of notification to the Board; and,**
 - e) The Board has not rejected the proposed Modifications.
2. Modifications for which all of the conditions referred to in Part F, item 1 have not been met, may be carried out only with written approval from the Board.

NATCL#18 - NATCL sees a potential for the addition of 1.d. to put the GNWT Inspector and the MVLWB in conflict. NATCL is unsure of why there a duplication of approval needed?

Part G: Conditions Applying to Waste and Water Management

G.4. A minimum of ninety (90) days prior to the commencement of construction of Dry Stack Tailings Storage Facility TSF6, the Licensee shall submit to the Board, for approval, a **Flat River Erosion and Sediment Protection Plan prepared by a Professional Engineer**. The Plan shall meet the applicable *Dam Safety Guidelines* information requirements and shall satisfy the requirements of Schedule 3, item 2.

NATCL #19 – NATCL’s Engineering consultants have requested the change in wording throughout the WL to “prepared **under the direction of** a Professional Engineer.” This wording is more in line with standard engineering practices.

This change is requested for the following sections: E.8, G.4, G.7, G.16 (currently listed as G.17.)

NATCL #20 - Address the numbering sequence of the conditions; errors at 15, 16, 17...

EC#10 - *The wording of item 6 (pg. 16) should read as follows: “The Licensee shall submit to the Board by May 31, 2014, for approval, a Geochemical Risk Assessment Report. The Report shall detail the activities planned to assess the long-term geochemical risks of the Project to meet the objectives listed in Part G, item 1, and satisfy the requirements of Schedule 3, item 4”.*

NATCL#21 - NATCL has no issues with this recommendation.

EC#11 - *As the Wastewater Treatment Facilities, Operations, Maintenance, and Surveillance Manual was approved in January 2015, removal of item 18 (pg. 17) which states that “The Licensee shall submit to the Board by January 31, 2013, for approval, a Wastewater Treatment Facilities Operations, Maintenance and Surveillance Manual”, is recommended. Amend Item 26 under Part G to reflect that this plan be updated as needed.*

EC#12 - *As the Flat River Hydrology Plan was approved in July 2015, removal of this reference pursuant to item 19 (pg. 17) is recommended. Amend Item 26 under Part G to reflect the plan be updated as needed.*

EC#13 - *As the Plume Delineation Study Report was approved in July 2014, the removal of items 20 & 21 (pg. 17) is recommended.*

NDDB#3 - *There is a list of management plans and monitoring programs required by the proponent. For many of these, deadline dates have passed but are still referenced in the license. It is not always clear which of these have been completed and/or which are outstanding. Examples include, but may not be limited to: a waste management plan due January 31, 2013; a geochemical risk assessment report, due May 31, 2014; a geochemical load balance model due March 31, 2014; an information gap analysis report, due June 1, 2015; a tailings containment area monitoring plan, due May 31, 2011; historical data and interpretation report of the Cantung Mine site, due February 29, 2012; research and monitoring plan for dry stack tailings storage facility TSF4b due June 1, 2015; groundwater pumping contingency plan due 4 December, 2012; wastewater treatment facilities operation, maintenance and surveillance manual; plume delineation study design due January 31, 2013. This section lacks clarity.*

Recommend that where plans have already been submitted, the license reference those plans directly with their submission date so that they can be easily found on the registry. Recommend that where plans have not been submitted, the dates be updated to reflect realistic expectations with reference to them being overdue.

NATCL#22 - NATCL acknowledges that the items mentioned by EC and NDDB are approved and agrees with the wording, but requests the MVLWB provide for the reasons for having conditions in this WL with the old due dates. NATCL hopes that *Annex B: Concordance Table of Items Requiring Submission* will help clarify the submission requirements.

Most plans have been submitted and approved, as listed in the initial application. NATCL would like to suggest that the latest versions of the plans be posted on the Public Registry in association with the new WL number. Could the MVLWB provide guidance on this item?

Part G.24. A minimum of six(6) months prior to applying for a closure Water Licence as per Part H, item x, the Licensee shall complete and submit to the Board, for approval, an updated **Phase II Environmental Site Assessment Report** for the Project that satisfies the requirements of a Canadian Standards Association (Z769) Phase II Environmental Site Assessment and includes an analysis, conducted by a Professional Engineer or Professional Geoscientist, as to how the Phase II Environmental Site Assessment contributes to and is incorporated with the closure and reclamation plans referred to in Part J of this Licence.

GNWT #6: ENR notes that submission time for the Phase II ESA prior to NATCL applying for a closure Licence must be sufficient to allow inclusion of the results of the assessment into the licensing process.

EC#14 Background: The Board staff is seeking input on Item 24 (pg. 18) regarding whether the proposed revision to the timeline for the submission of the updated Phase II Environmental Site Assessment (ESA) Report is reasonable as per the Board's direction in its August 18, 2011 letter.

A 12 month timeline given that the proposed 6 month timeline may be impractical if sampling during open-water season is needed to inform the site assessment (recognizing that a Phase 1 ESA would be desktop, but a Phase 2 ESA requires some field data).

NATCL#23 - NATCL believe the "6 months prior to...." is reasonable for a submission date. However, if the information is to be captured in the Final Closure and Reclamation Plan, the assessment will need to be completed **12 months** before application for a closure WL. This would make it due 6 months before the submission of the Final Closure and Reclamation Plan.

Acknowledging concerns from EC about field work; the phase II may take a year to complete but the submission date is reasonable at 6 or 12 months prior to application for a closure licence.

G.25. The Licensee shall complete and submit to the Board by xxxx, for approval, a **Qualitative and Quantitative Ecological Risk Assessment Report for the Flat River Tailings** that satisfies the requirements of the Canadian Council of Ministers of the Environment's "Framework for Ecological Risk Assessment" and includes an analysis, conducted by a Professional Engineer or Professional Geoscientist, as to how the Assessment contributes to and is incorporated with the closure and reclamation plans referred to in Part J of this Licence.

GNWT#7

The Board has requested recommendations regarding the timelines for an updated ecological risk assessment related to the Flat River tailings should the Board determine that an updated risk assessment must be submitted separately (rather than being incorporated into the closure and reclamation planning process). ENR notes that the original condition required the submission of this plan in 2011 (4 years ago) and that should be considered when making a decision in this regard.

Given that the risk assessment related to the Flat River tailings is currently 4 years overdue, ENR recommends that the finalization of this item to assist in finalizing closure options is a priority.

EC#15 - The Board staff is seeking input on Item 25 (pg. 18) regarding the timeline for an updated ecological risk assessment should the Board determine that an updated assessment be submitted separately (rather than being incorporated into the closure and reclamation planning process).

A reasonable timeframe can be determined in conjunction with the Proponent's consultant(s).

NDDB#4 - Board staff have requested feedback regarding the timeline for an updated ecological risk assessment should the Board determine that an updated assessment must be submitted separately rather than being incorporated into the closure and reclamation planning process. NDDB has previously commented in their response to the second round of IRs that a quantitative risk assessment would be useful in the development of subsequent management and monitoring plans. For instance, without the quantitative risk assessment (now several years overdue) it is difficult to make site-specific thresholds in the AEMP design and instead, NATCL has for now suggested national standards that may not be suitable for the site. Given that there are years of site-specific data available it should be reasonable to expect that a quantitative risk assessment is used and that this can inform subsequent work. The absence of a quantitative risk assessment is a hindrance and should be emphasized as a priority and should be required for issuance of a renewed license.

DFN#11 - DFN is supportive of the approach to include the Qualitative and Quantitative Ecological Risk Assessment for the Flat River Tailings with the Integrated Geochemical Load and Risk Assessment Report for the site.

As a caveat, DFN acknowledges that the Integrated Geochemical Load and Risk Assessment Report has important implications for the ICRP. It is important to DFN that the document provides a robust and thorough examination of the geochemical risk assessment for the Cantung site and subsequent implications to the Flat River. It is also critical to DFN that the document is completed in a timely manner so that it can be incorporated into the ICRP.

DFN#15 - The Board has requested recommendations regarding the timelines for an updated ecological risk assessment related to the Flat River tailings. DFN notes that the original condition required the submission of this plan in 2011 (4 years ago) and details of the quantitative risk assessment may have implications in the development of the both the Aquatic Effects Monitoring Plan (AEMP) and Interim Closure and Reclamation Plan (ICRP).

DFN recommends that the finalization of the quantitative ecological risk assessment is a priority item and is submitted prior to and separate from the ICRP.

NATCL#24

NATCL reminds everyone that these assessments were conducted and submitted. There were concerns with the methodology and validity, so NATCL responded by proposing a different approach that would begin with the completion of the geochemical risk assessment.

Following the issuance of that report, hydrological, biological and ecological data that has been collected over the years would be layered onto the geochemistry information. Any gaps would be identified and addressed through the ICRP process and research plans. Therefore the decisions within the ICRP would be based on layers of scientific information. The decision and supporting information will be part of the ICRP instead of a separate document. Even though the assessment would be included in the ICRP, it would be completed prior to the ICRP submission date. Since it

would be part of the on-going ICRP research, any updates and information would be available within the annual report.

It is unlikely that a risk assessment can be completed before the AEMP design submission, therefore ecological risk assessment could be completed prior to the first AEMP plan review; also tying in with the proposed method of building on the science first.

Since the geochemistry has been identified, by several reviewers, as a primary factor in the Flat River tailings assessment, it would seem that assessing the risks and closure options should begin with that. The geochemical risk assessment and the recent EEM study data should form the basis for the Flat River tails assessment and therefore, additional work would be conducted and accessed following those submissions.

NATCL does not use a single consultant to manage and conduct the studies for the site; rather these are managed in-house with the use of experts in their specific fields for various studies. The scheduled timeframe should be decided according to a logical order of data collection and assessment.

Part G: Operations of Structures and Facilities

G.27. The Licensee shall construct, operate, and maintain the Dry Stack Tailings Storage Facilities to design specifications/engineering standards, such that:

NATCL#25 – Address the numbering sequence of the conditions; errors at e, i, f, g...

Part G: Discharge Locations and Rates

EC#17 - *The wording of item 33 (pg. 20) should specify that “The Licensee shall direct all **treated** Sewage...”* (as per Section 4.4 of the Combined Water Management Plan which indicates an average of 160 cubic metres/day goes from the treatment plant to TP5).

NATCL#26 – NATCL agrees with the addition.

EC#18 - *The wording of item 35 (pg. 20) which states that “The Licensee shall only seal the culvert if directed to do so by an Inspector” should include “or if warranted by an upset condition”*

NATCL#27 – NATCL suggests also adding “in coordination with the Inspector.”

The initial discussion was that DFO and the Inspector was to be notified and consulted if NATCL believed there was a need to close the gate. This ensures that NATCL address the fish related concerns of DFO and remains protective of the environment by not letting non-compliant water out.

Part G: Effluent Quality Criteria

Part G.38. The Licensee shall ensure that effluent from the Wastewater Treatment Facilities at Surveillance Network Program station 4-43 has a pH value between 6.5 and 9.0 and meets the following effluent quality criteria (EQC):

Parameter	EQC in mg/L	
	Maximum Average Concentration	Maximum Grab Concentration
Total Suspended Solids	12	24
Ammonia*	5	10
Fluoride		
Nitrate	8	16
Sulphate	384	768
Aluminum*	1	2
Arsenic*	0.02	0.04
Boron*	4	8
Cadmium*	0.0007	0.001
Chromium*	0.0008	0.002
Copper*	0.01	0.02
Iron*	0.8	1.5
Lead*	0.02	0.04
Molybdenum*	0.3	0.6
Nickel*		
Zinc*	0.1	0.2
(*) Measured in total concentrations		

EC#19 - Ammonia should be specified as Ammonia-Nitrogen and Nitrate-Nitrogen in the Table: Wastewater Treatment Facilities Effluent Quality Criteria (EQC), item 38, p12.

NATCL#28 - NATCL defers to the MVLWB for the standard listing for ammonia used in other water licenses.

DFN#16 - DFN notes that the EQC for fluoride and nickel have not been included in the draft Water License. DFN recommends that the Board provides clarity on how the EQC limits for fluoride and nickel will be determined

NATCL #29 - Nickel was previously set at the CCME limit. EC had requested a lower limit based on achievability but provided no other recommendation as to what the level should be. NATCL requests MVLWB include the basis for a new limit in the Reasons for Decision. The EQC recommendation for WWTF discharge limit for fluoride should be calculated based on the EQC for S4-44 the GNWT recommended as the environmentally protective level of 1.03 mg/L. The

GNWT has provided the background information for this recommended Site Specific Water Quality Objective for the Flat River in previous information requests.

Part G.39. The Licensee shall direct effluent from the Wastewater Treatment Facilities which does not meet the effluent quality criteria specified in Part G, item 38 back to the Tailings Containment Area.

Part G.40. The Licensee shall submit to the Board and an Inspector, the Water quality data from samples collected from Surveillance Network Program station 4-43 [Wastewater Treatment Facility] as follows:

- a) No later than five (5) days prior to commencing the initial Discharge of effluent to Stinky Pond; and,
- b) Following a sampling event that exceeds the EQC specified Part G, item 38, prior to resuming Discharge to Stinky Pond.

Part G.41. The Licensee shall obtain written authorization from an Inspector prior to commencing the initial Discharge from the Wastewater Treatment Facilities to Stinky Pond or resuming Discharge following a non-compliant sampling event referred to in Part G, item 40.

NATCL #30 - NATCL has identified concerns regarding implementation and practicality of these sections.

These sections can be implemented for the inline parameters – pH, and TSS. We know that most metals are related to the TSS. Therefore if TSS is low the metals levels should also be within compliance limits.

However, there are scenarios that are possible, in which case, these conditions cannot be met.

For example:

The WWTF water discharge is sampled on a Monday, all in-line testing indicates that the water is clean and within the specifications for discharge. The sample is shipped to the third party lab and testing is conducted at the lab in Vancouver; results are available approximately 10 days later. At this point in time, if a metals parameter has exceeded the EQC limit the WL conditions G.39, 40, and 41 state that NATCL is to return the discharge water to the TCA. This is not possible to return the water to the TCA, as it was discharged 10 days earlier.

It is also not practical to divert effluent to the TCA, when the next compliance sample has already been sent and the results are pending. Shutting the WWTF down after the non-conforming sample, for 10 days, when the plant is functioning well is not practicable.

This scenario would be similar at other mines like Snap Lake, where the sample is collected while the water is discharged to the receiving Environment and the test results are not received for 2 – 3 weeks from the lab. They would have collected additional samples since the non-compliance, but would not be able to return the water to the management pond or treatment facility.

NATCL would like to propose that this condition remain as written for the inline parameters of TSS and pH, the initial parameters of concern.

NATCL would like to revise this condition for a non-compliance of laboratory tested results such as metals and nutrients so that it is practicable and implementable.

Within the requirement for action levels and response framework for the Operations Manual, there can be a shutdown requirement at a certain level of exceedance or a number of consecutive exceedances. NATCL suggests that we tie the response to the management plan framework so it can be specific to the parameter and the potential impact.

Suggested revisions:

G.39. The Licensee shall direct effluent from the Wastewater Treatment Facilities which does not meet the effluent quality criteria **for inline measurements of parameters** specified in Part G, item 38 back to the Tailings Containment Area.

G.40. The Licensee shall submit to the Board and an Inspector, the Water quality data from samples collected from Surveillance Network Program station 4-43 [Wastewater Treatment Facility] as follows:

- a) No later than five (5) days prior to commencing the initial Discharge of effluent to Stinky Pond or **following a mine shutdown**; and,
- b) Following a sampling event that exceeds the EQC specified Part G, item 38, ~~prior to resuming Discharge to Stinky Pond.~~ **including subsequent sampling results, the investigation and mitigation applied, and discussion of the action level and response framework.**

G.41. The Licensee shall obtain written authorization from an Inspector prior to commencing the initial Discharge from the Wastewater Treatment Facilities to Stinky Pond or resuming Discharge following a non-compliant sampling event referred to in Part G, item **39**.

EC#20 - In SNP Station 4-47 Footnote Table (pg. 62), the reference to Total Ammonia should stay as "Total Ammonia as N" which means ionized plus unionized forms (NH4 plus NH3). The measurement would include the hydrogen weight and lab results are in NH3-N. This is consistent with how it is regulated in other licences.

EC#21 - Within item 45 (pg. 22), replace reference to Item 42 with Item 44.

NATCL#31 – NATCL has no issue with these recommendations

Part H: Conditions Applying to Aquatic Effects Monitoring

H.5. The Licensee shall submit to the Board by **May 1, 2019** or as directed by the Board, for approval, an **Aquatic Effects Re-evaluation Report**, and every three (3) years thereafter, that meets the following objectives and satisfies the requirements of Schedule 4, item 2:

GNWT# 8 - ENR supports the submission date of May 1, 2019 for the Aquatic Effects Re-evaluation Report.

NDDB#5 - The Board has requested feedback about the proposed date of May 1, 2019 as a deadline for the Aquatic Effects Re-evaluation report. This is a three-year time frame coinciding with the EMM results and the three year time frame that most reviewers have recommended in the AEMP study design. However, May 1 may not provide adequate time for the report to be reviewed, for consensus to be reached and for recommendations to be incorporated for changes in monitoring in advance of the subsequent frechette. The Board may want to consider advancing the deadline by a couple of months to allow for this. Recommend that the proposed deadline be advanced slightly to March 1, 2019.

NATCL#32 - NATCL agrees with the suggested submission date of May 1, 2019

The first three months of the calendar year are extremely report heavy, additionally, moving the date ahead may not allow for the 2018 EEM results to be considered in the review as they are not due until March 31st.

H.6. The Licensee shall submit to the Board on or before **DATE** each year, for approval, an **AEMP Annual Report**. The Report shall satisfy the requirements of Schedule 4, item 3, and include information relating to data collected in the preceding calendar year.

GNWT #9 - ENR recommends that the submission date for the AEMP Annual Report be consistent with other Type A Water Licences in the NWT.

NDDB#6 - The Board has requested feedback about the date for an AEMP annual report. NDDB suggests that annual reports should be due early enough in the year to allow for adequate review and discussion and to ensure that any resulting changes to the program be implementable before the subsequent frechette. In addition, if the results do suggest that an action level is triggered, it will be important for corrective measures to be taken as soon as possible.

DFN#17 - The Board has requested feedback regarding the date for an AEMP annual report. DFN supports NDDB comments to accommodate the AEMP report as soon in the year as possible and preferably prior to spring freshet.

NATCL#33 - NATCL would like to suggest that the primary data analysis and reporting for the Annual WL Report is due on March 31st, building on this data report with full discussions on the response frameworks and interpretation would then complete the AEMP.

A date of 60 days following the submission of the annual report would allow time for data reporting and then a comprehensive assessment of the AEMP.

This would make the report due June 1st. which would allow time for identified items to be addressed within the summer field session.

Action level triggers would be reported on with action plans on a monthly basis under this draft license, so that additional sampling would be scheduled ahead of the annual report.

Part I: Conditions Applying to Contingency Planning

I.1. Within sixty (60) days following issuance of this Licence, the Licensee shall submit to the Board, for approval, a **Spill Contingency Plan**. **The Licensee shall not commence construction or Drawdown until the Board has approved the Plan.**

NATCL#34 – This sentence, highlighted above, is not applicable to this site.

Part J: Conditions Applying to Closure and Reclamation

EC#23 - Item 1 (pg. 25) states that “Within twenty four (24) months following issuance of this Licence, the Licensee shall submit to the Board, for approval, an Interim Closure and Reclamation Plan”. The plan was submitted April 2015 and is not yet approved. This clause may need to be re-worded as it could imply as written, the need to re-submit the plan.

NATCL#35 – NATCL’s submission of the ICRP was a draft for development review, work still needs to be done to satisfy this submission requirement. NATCL had proposed a staged development process due to the sheer volume of information needing to be gathered because of the Cantung mine’s long standing history. Two more drafts are expected prior to submission of this requirement. NATCL has no issues with the condition as written.

J.5. A minimum of twenty four (24) months prior to the end of commercial operations, the Licensee shall submit a **Final Closure and Reclamation Plan** to the Board for approval.

NATCL#36 – NATCL agrees with this timing, provided the dates for the Phase II Assessment are adjusted as suggested.

J.6. A minimum of eighteen (18) months prior to start of final closure and reclamation, the Licensee shall apply to the Board for a new Licence specific to those activities.

GNWT #10 - ENR supports the eighteen month timeline and believes that would be sufficient time to allow the issuance of a closure Licence prior to the commencement of closure activities.

NATCL#37 – NATCL supports the eighteen month timeline.

Schedule 1

Part B – Annual Water Licence Report

B.1.

The Annual Water Licence Report referred to in Part B, item 13 of this Licence shall include, but not be limited to, the following information:

f) A summary of activities conducted in accordance with the approved **Water Management and Mine-site Erosion and Sediment Protection Plan** referred to in Part G of this Licence, undertaken during the previous calendar year, including a summary of updates or changes to the process or facilities required for the management of Water or Wastewater, including the following:

ix. Monthly and annual estimates and measurements of precipitation and **runoff**;

NATCL #38 - A definition of runoff is required for complete understanding of this requirement for the measurement of runoff. NATCL currently understands this to be the surface water flows in the ditching around site that is collected under the hydrology surface waters program. If this is the correct interpretation, then this is a duplicate requirement with the surface waters flow reporting in G.1. i) iii. vi.

MVLWB please clarify in the WL or the Reasons for Decision.

i) A summary of activities conducted in accordance with the following approved plans, undertaken during the previous calendar year, including any Action Level exceedences and a description of actions taken in response to any Action Level exceedences for the following plans in Part G of this Licence:

iii. **Flat River Hydrology Plan**, including:

- i. Daily, weekly, and annual flow data for the Middle Bridge station;
- ii. The transition dates for high and low flow season Discharge from the Wastewater Treatment Facility;
- iii. The number of days that the Wastewater Treatment Facility discharged at a rate greater than 4,500 m³/day;
- iv. Dates and documentation of the ice-on and ice-off conditions;
- v. **Summaries of flows measured in the tributary streams;**
- vi. **Flow rates measures at the surface runoff Surveillance Network Program stations; and**
- vii. An updated stage-discharge rating curve for the Surveillance Network Monitoring Stations S4-45 and S4-5;

NATCL#39 - v. and vi. appear to be duplicate requirements under the hydrology plan. Please provide clarification in the reasons for decision, as to the difference between these. The SNP stations on surface flows are part of the tributary streams network.

Schedule 3

Part G – Waste and Water Management

G.16. The **Groundwater Pumping Contingency Plan**, referred to in Part G, item 15 of this Licence, shall describe actions to be taken if the Water quality at Surveillance Network Program stations 4-27-4, 4-27-7 to 4-27-16, 4-28-1 and 4-28-2 inclusive, exceed the requirements specified in Part E, Item 19; and shall include, but is not limited to, the following:

NATCL#40 – This condition should be labelled #9. Address the number sequencing in this section... 8, 16, 9, 10...

Annex A – SNP

Part B: Site Descriptions

SNP Station Quick Reference Table

NATCL#41 – Suggest the following changes to the reference table items. The column with the NATCL comments is to provide background information.

SNP station #	Description	Status	NATCL Comment
4-6	Decant from active Tailings pond or inflow to Wastewater Treatment Facilities.	Active	This is no longer possible or part of the project description. Recommend removing the wording in red. Change station table also.
4-13	Discharge from “E” Zone.	Inactive	Discharge is still possible at this station and is still a FDP under MMER, although it has not occurred in 3 years due to pumping activities. Should this be marked as active?
4-21	Water Survey of Canada Stream gauge located on Flat River	Inactive	This station has been reactivated and operated by Water Survey Canada, as of September 2015. Information only.
4-40	Surface Water point on Flat River between Tailings Ponds 2 and 4.	Inactive Active	This station is active
4-41	Surface Water point on Flat River downstream of Tailings Pond 3.	Inactive Active	This station is active
4-42	Minewater pump in the mill. This station is a replacement for 4-12: Discharge from conveyor gallery.	Inactive Active	This station is active

NATCL#42 – SNP station 4-20, is also MMER final discharge point S4-27-2. NATCL recommends adding this information to the table, below.

SNP station 4-20:

Description	Drainage culvert from Stinky Pond.
Location:	N 6870330.45 E 541342.06 Elevation 1104.58
Sampling frequency	Every two (2) weeks and annually for toxicity testing(3)
Sampling Parameters;	ICP metal scan(1), nutrients(2), ortho-phosphorous, chloride, fluoride, sulphate, total suspended solids, total dissolved solids, alkalinity, pH, hardness, faecal coliforms, toxicity testing(3)
Rationale:	Operational Monitoring. Compliance Point: designated as final Discharge point in Metal Mining Effluent Regulations.

DFN#12 - DFN agrees with the rationale provided by Environment Canada (EC). EC notes that parts of the plan should be updated to align with current MMER requirements. Specifically, that station 4-20 /402-2 (Stinky Pond culvert) should be identified as a Final Discharge Point (FDP) and monitoring requirements should reflect this.

Regarding the toxicity testing at Station 4-20, DFN at this time does not have any recommendations on what toxicity testing should be required, what the sampling location should be and how often this testing should occur. DFN recommends that there be a process in place to discuss the toxicity testing in more detail so that consensus on appropriate plans can be reached.

NATCL#43 – NATCL agrees with including the requirement to report the MMER sublethal toxicity testing to the MVLWB, as written in the Draft WL.

NATCL#44 – SNP station 4-27-23, MW12-01 was damaged in the previous winter season. MW12-02 represents the similar downslope location at TSF6. Recommend removing MW12-01 and replacing with MW12-02. Table revision below.

SNP station 4-27-23:

Description	Groundwater monitoring well (MW12-01) down-gradient of south end of Tailings Storage Facility 6. If sufficient Water is available, a sample shall be collected from each piezometer. The piezometric head and number shall be recorded	
Location:	MW12-01: N 6867627.55 E 544032.92 Elevation 1096.26 (Damaged) MW12-02: N 6867738.65 E 543861.24 Elevation 1094.35	
Sampling frequency	Three (3) times per year (approximately late June, August, and October)	Annually
Sampling Parameters;	ICP metal scan(1), total ammonia, nitrate-nitrogen, sulphate, total suspended solids, alkalinity, pH, hardness, total organic carbon, EPH/BTEX(2)	Total cyanide
Rationale:		

NATCL#45 – Recommend changing the metals ICP scan to total metals only for S4-30. Due to the nature of the slurry it is not possible to filter the slurry for a dissolved metals scan.

SNP station 4-30

Description	Slurry sample from Mill Tailings at Tails Box in Mill.	
Location:	N 6870912 E 540162 Elevation 1156	
Sampling frequency	Monthly	
Sampling Parameters;	ICP total metal scan(1), total ammonia, sulphate, total dissolved solids, alkalinity	
Rationale:	Operational Monitoring.	

NATCL#46 – Station tables for S4-41 and S4-42 are missing. Provided below.

SNP station 4-41

Description	Surface water point on Flat River downstream of Tailings Pond 3.	
Location:	N 6869690 E 541804 Elevation 1104	
Sampling frequency	Monthly	
Sampling Parameters;	ICP metal scan(1), total ammonia, nitrate-nitrogen, nitrite-nitrogen, chloride, fluoride, sulphate, total suspended solids, total dissolved solids, alkalinity, pH, hardness	

Rationale:	
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SNP station 4-42

Description	Minewater Pump in the mill.
Location:	N 6870899 E 540169 Elevation 1154
Sampling frequency	Monthly
Sampling Parameters;	ICP metal scan(1), total ammonia, nitrate-nitrogen, nitrite-nitrogen, chloride, fluoride, sulphate, total suspended solids, total dissolved solids, alkalinity, pH, hardness
Rationale:	Operational Monitoring

NATCL#47 – Add the rationale for Station table 4-46 “Operational Monitoring”

Annex A – SNP

Footnote

(³) Toxicity shall be assessed at an accredited bioassay laboratory for the following analyses:

- a. Chronic toxicity – invertebrates using Environment Canada. 1992. Biological Test Method: Test of Reproduction and Survival Using the Cladoceran *Ceriodaphnia dubia*. Environmental Protection Series, Report EPS 1/RM/21. Method Development and Application Section, Environmental Technology Centre, Ottawa, ON, Canada.
- b. Chronic toxicity – algae using Environment Canada. 2007. Biological Test Method: Growth Inhibition Test Using a Freshwater Alga *Pseudokirchneriella subcapitata*. Environmental Protection Series, Report EPS 1/RM/25. Method Development and Application Section, Environmental Technology Centre, Ottawa, ON, Canada.
- c. Chronic toxicity – aquatic plants using Environment Canada. 2007. Biological Test Method: Test for Measuring the Inhibition of Growth Using the Freshwater Macrophyte, *Lemna minor*. Environmental Protection Series, Report EPS 1/RM/37. Method Development and Application Section, Environmental Technology Centre, Ottawa, ON, Canada.
- d. Sublethal toxicity – fish using Environment Canada. 2011. Biological Test Method: Test of Larval Growth and Survival Using Fathead Minnows. Environmental Protection Series, Report EPS 1/RM/22. Method Development and Application Section, Environmental Technology Centre, Ottawa, ON, Canada.

DFN#12 - DFN agrees with the rationale provided by Environment Canada (EC). EC notes that parts of the plan should be updated to align with current MMER requirements. Specifically, that station 4-20 /402-2 (Stinky Pond culvert) should be identified as a Final Discharge Point (FDP) and monitoring requirements should reflect this.

Regarding the toxicity testing at Station 4-20, DFN at this time does not have any recommendations on what toxicity testing should be required, what the sampling location should be and how often this testing should

occur. DFN recommends that there be a process in place to discuss the toxicity testing in more detail so that consensus on appropriate plans can be reached.

NATCL#48 – NATCL agrees with including the requirement to report the MMER sublethal toxicity testing to the MVLWB, as written in the Draft WL.

Footnote

(⁴) Water quality objectives to be met at the mixing zone boundary in the Flat River at SNP4-44:

GNWT#11 - ENR notes that the EQC for fluoride has not been included in the draft Water Licence. ENR's recommendation from our submission dated July 14, 2015 regarding the development of an EQC that supports a fluoride SSWQO of 1.03 mg/L at the edge of the mixing zone has not changed. Any changes to the SSWQOs should also be reflected in Annex A, Part B (Page 62) which outlines all SSWQO at the edge of the mixing zone. Fluoride is currently listed at 0.12 mg/L in Annex A of the draft Water Licence. ENR's recommendation regarding the development of an EQC that supports a fluoride SSWQO of 1.03 mg/L at the edge of the mixing zone remains. Any changes to SSWQOs should also be reflected in Annex A, Part B (Page 62) which outlines all SSWQO at the edge of the mixing zone.

NATCL#49 – NATCL notes that the WQ Objective not the recommended level proposed by GNWT. Through the technical sessions GNWT provided a recommendation of 1.03 mg/L for fluoride. NATCL agreed to that level, to be achievable and protective of the aquatic environment. Please change the table to reflect the recommended Fluoride Water Quality Objective of 1.03 mg/L.

Annex A – SNP

Part D: Meteorological Monitoring Requirements

NATCL#50 – Revise spelling in the title

1. The Licensee shall measure and record the following meteorological data;
 - a) Mean, minimum and maximum daily temperatures, in degrees Celsius (°C);
 - b) Precipitation, measured and recorded in hourly and daily totals, in millimetres (mm);
 - c) Evaporation, as calculated by hourly and daily averages, in millimetres per day (mm/d) from a reasonable location near the Project, but sufficiently far away from manmade structures.
 - d) Wind speed, in kilometers per hour (km/h), including daily minima and maxima; and
 - e) Hourly wind direction.

EC#30 - Under Item 1 (pg. 63), include field conditions at the time of sampling under the list of data requirements.

NATCL#51- Hourly data is already provided in item 1, the collected data can be related to any of the samples of concern and does not need to be a separate, additional item.

NATCL has made every effort to respond to all comments and provide a thorough review of the entire draft document. NATCL asks the all Reviewers please be mindful of the MVLWB deadlines, as the late submissions are difficult to accommodate with thorough and thoughtful responses.

Please contact Deborah Flemming, Environmental Superintendent (dflemming@natcl.ca) or Cantung Environmental Department (cantungenviro@natcl.ca) should you have any questions or concerns regarding the information included here.

Yours truly,

North American Tungsten Corporation



Deborah Flemming
Environmental Superintendent

CC: J. McKenzie, B. Delaney, Cantung Enviro, NBDB, LKFN, DFN, Metis 52, MVLWB