

# ***Nahæâ Dehé Dene Band***

GENERAL DELIVERY, NAHANNI BUTTE, NT, X0E 0N0

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July 14th, 2015

Jen Potten, Regulatory Officer  
Mackenzie Valley Land and Water Board  
PO Box 2130, Yellowknife, NT, X1A 2P6

## **Written intervention regarding application for water license MV2015L2-0003 (renewal)**

Dear Ms. Potten,

The Nahꞵ Dehé Dene Band (NDDB) has reviewed the water licence renewal application submitted by North American Tungsten Corporation Ltd. (NATCL). The proponent seeks to renew MV2002L2-0019, which will expire on January 29, 2016.

During pre-hearing discussions among the Parties, NATCL staff have communicated that they anticipate entering the mine into *care and maintenance* in the fall of 2015 but that the company's environmental department will remain fully funded and existing commitments will be met. It is a priority for NDDB that completion of the commitments made within the water license amendment remain requirements of the renewal. Specifically, these include: an Interim Closure and Reclamation Plan and a geochemical risk assessment and load balance. While an Aquatic Effects Monitoring Program was not a condition of the amendment, it was contemplated within the amendment that an AEMP would be required for the license renewal and this has been proposed by NATCL in its submission, an approach that is supported by NDDB.

Step-wise timelines have been proposed by NATCL for completion of the three plans / studies mentioned. These are:

**Geochemical Load Balance and Risk Assessment Reports** – The June 12, 2015 amendment to MV2002L2-0019 requires submission of an Integrated Geochemical Load Balance and Risk Assessment Report, due January 31, 2016 (section F.9).

**Aquatic Effects Monitoring Program** – NATCL's proposed process for collaborative development of the AEMP included the following tentative deadlines: AEMP study design draft #1 (June 9, 2015), AEMP study design draft 2 (July 17, 2015), AEMP draft 3 (October 14, 2015) and AEMP final draft (November 23, 2015) with a final compete submission by January 30, 2016. The proposed schedule would ensure collaborative development of the AEMP among all Parties in time for the water license renewal.

**Interim Closure and Reclamation Plan** – the first draft of the ICRP, which included background information and component descriptions of the Cantung mine site with a single closure option was submitted on April 21, 2015. The tentative date for submission of draft 2 which will include more information on options considered but not chosen and which will review engineering and environmental studies previously completed is September 30, 2015. NATCL has proposed a tentative information and workshop date of November 9, 2015 with submission of the third draft tentatively planned for December 21, 2015. These dates as proposed would ensure that the step-wise process continues prior to the issuance of a WL renewal.

Nahᓃą Dehé Dene Band notes that the AEMP has fallen behind schedule and acknowledges that the proponent has committed to submitting a revised schedule. NDDDB would like the proponent to ensure AEMP completion prior to license renewal. In addition, NDDDB requests affirmed commitment to complete the geotechnical risk assessment and load balance and the ICRP according to the originally proposed timelines.

In addition, the Metal Mining Effluent Regulations include requirements with timelines for environmental effects monitoring including biological effects monitoring. NATCL conducted studies and submitted reports in 2009 and 2012, with a fourth cycle required for 2015. NDDDB understands that NATCL has submitted the study design for this year's monitoring to Environment Canada. NDDDB would like to emphasize the importance of biological monitoring in understanding environmental impacts and trusts that the 2015 EEM will proceed on time and regardless of whether underground work is proceeding at the mine site.

Finally, NDDDB understands that Dehcho First Nations and other interveners are in discussions with NATCL about recommendations relating to the S4-44 Water Quality Assessment Report and, in particular, an appropriate revised water quality threshold for fluoride. NDDDB respects DFN's intervention.

Nahᓃą Dehé Dene Band looks forward to continued collaboration with NATCL on the development of the AEMP and ICRC and looks forward to reviewing the geochemical load balance and risk assessment reports and the environmental effects monitoring program results but does not feel that outstanding issues warrant NDDDB appearance at a public hearing at this time.

Respectfully,

A handwritten signature in black ink, appearing to read 'Christine Wenman', is written over a light grey rectangular background.

Christine Wenman, NDDDB Regulatory Advisor