



Mackenzie Valley Land and Water Board
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PRE-HEARING CONFERENCE SUMMARY NOTES

North American Corporation Ltd. (NATCL) – Cantung Mine
Application for Water Licence MV2015L2-0003 (renewal)

1) Introductions

In Person:

Tyree Mullaney – MVLWB
Jen Potten – MVLWB
Julian Morse – MVLWB
Rick Walbourne – Government of Northwest Territories – Environment
and Natural Resources (GNWT-ENR)
Patrick Clancy – GNWT-ENR
Rohan Brown – GNWT-Justice

On the Phone:

Allan Krasnick – NATCL
David Volkey – NATCL
John Donihee – MVLWB council
Carrie Breneman – Dehcho First Nation (DFN)
Lisa Lowman – Environment Canada (EC)

2) Update on current status of NATCL

- NATCL provided a short update on their current status under the *Companies Creditors Arrangements Act* (CCAA). July 9, 2015 is the 30-day deadline for negotiation under the CCAA and NATCL plans to request an extension until July 19, 2015.
- There have been many layoffs at the mine site and the underground is minimally staffed.
- The environmental division remains staffed at full strength and specific funding has been requested to fulfill their environmental regulatory requirements.
- NATCL has 4 more months of ore stockpiled at site and anticipates having adequate funding until October 15, 2015.
- NATCL is arranging for funding to complete the assessment of liquefaction potential of Tailings Pond 4 this summer; after which they will apply to the MVLWB to reduce the amount of reclamation security required for this facility.
- In fall 2015 NATCL anticipates entering care and maintenance mode. They will be able to confirm this in August 2015.
- Parties should provide evidence to the Board in their written interventions regarding this proceeding given these financial

circumstances and the Section 26(5)(d) requirement under the *Mackenzie Valley Resource Management Act*.

3) Hearing structure and format

- a. Dates and Locations will be confirmed based on the information parties present in their written interventions. Planned dates are: August 26 and 27, at the Tree of Peace in Yellowknife, NT
- b. Teleconference line will be available; please contact ROs if anticipating you will need the line
- c. Translation and transcription will be available
- d. Agenda will be fluid until written interventions are received
- e. The company will present first, followed by a questioning period by all parties
- f. Interveners will then present, followed by a questioning period by all parties
- g. Number of Participants, time required for presentation:

Proposed Party	Number participants incl. consultants and legal expected?	How much time required for intervention presentation?	Notes
Proponent	4	45 min	Plan to follow-up with the parties' interventions, and progress with the AEMP and ICRP in written intervention
GNWT-ENR	Will indicate in their written intervention if appearing at the hearing. Could expect 6 people.	25 min	Plan to address a water quality objectives for fluoride, the ICRP and AEMP, Section 26 of the MVRMA, and the term of the licence in written intervention
EC	Will indicate in their written intervention if appearing at the hearing.	Currently discussing different options internally	Plan to address links between the AEMP and the EEM program, Water Management Plan, Erosion and Sediment Control Plan, suggestions for draft licence conditions, and nitrite mitigation at Tailings Pond 5 in written intervention
DFN	Will indicate in their written intervention if appearing at the hearing.	Unsure	

- h. Presentations should highlight the key parts of the written interventions; no new evidence should be provided.

- i. Presentations should be submitted in ppt format for presenting and PDF format for posting to registry
- j. Anyone who presents can be asked questions by anyone
- k. What if an intervention is late? – You might need to get permission from the Board to present it.
- l. Reminder to review the Board’s Rules of Procedures.
 - i. Legal/procedural issues should be brought up to the Board staff as soon as possible

4) Review of work plan (latest release June 26, 2015)

Process Step	Responsible Party	Dates
Deadline for Interventions	Interveners	July 14, 2015
Proponent response to Interventions	Proponent	July 23, 2015
Deadline for Intervener Public Hearing presentations	Interveners	July 30, 2015
Proponent Public Hearing presentation due	Proponent	August 6, 2015
Public Hearings	All Parties	August 26-27, 2015
Public Hearing Undertakings due		September 3, 2015
Circulate Draft WL **	MVLWB staff	September 10, 2015
Reviewer comments due on Draft WL due	Reviewers	September 24, 2015
Proponent response to reviewer comments on Draft WL due	Proponent	October 1, 2015
Deadline for Closing Arguments from Interveners	Interveners	October 8, 2015
Deadline for Closing Arguments from Proponent	Proponent	October 15, 2015
WL and RFD sent to GNWT-ENR Minister for approval	MVLWB staff	Early November, 2015
Final WL Decision from GNWT-ENR Minister	ENR Minister	Up to 90 days

5) General questions

- Q. How does entering care and maintenance affect the renewal?
- A. The NATCL Environment Department will remain at full strength. AEMP expenditures will continue. NATCL plans to re-open in Spring 2016 when the industry expects tungsten prices to rebound.

- Q. What are the different options moving forward for the submission of written interventions?

- A. Each party needs to clearly indicate in their written intervention if they would like to appear in front of the Board or if they are amenable to not having a physical public hearing. It is possible to proceed with or without having parties appear in front of the Board.

6) **Action Items**

Jen to contact Christine Wenman to provide summary of meeting – new advisor for Naha Dehe Dene Band.

Update: contact in progress, July 8, 2015