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November 1, 2023

File: MV2023L2-0006

Ron Pankratz
A/Regional Director General
Northwest Territories Regional Office
Crown-Indigenous Relations and Northern Affairs Canada
Yellowknife NT X1A 2R3

Sent by e-mail

Re: Cantung Mine – Mining and Milling – Water Licence Application – Information Request

On July 6, 2023, Board staff received a Renewal Application for a type A Water Licence (Licence) MV2023L2-0006¹ for mining and milling activities for the Project from NATCL. The Application was sent for public review on the Board's Online Review System on July 14, 2023. Comments and recommendations on the Application were received on August 4, 2023, with responses from NATCL received on August 11, 2023.² The Board made a preliminary screening determination for the Application on September 28, 2023.³ A Pre-Hearing Conference was held for the Application on September 19, 2023.⁴ The public hearing for the Application was cancelled on October 17, 2023 under subsection 72.15(3) of the *Mackenzie Valley Resource Management Act* ("MVRMA").⁵ Draft Licence Conditions for the Application were sent for public Review on the Board's Online Review System on October 18, 2023.⁶

On March 11, 2023 the Board received correspondence, dated February 15, 2023 from Matthew Spence, Regional Director General of CIRNAC, addressing NATC Financial Security re: the MV2015L8-0003 Renewal (Licence MV2023L2-0001 Application).⁷ That letter addressed the requirements of the MVRMA for prospective licensees to prove financial capacity before a licence can be issued (see paragraph 72.03(5)(d) of that Act). Matthew Spence urged the Board to approve the licence application because he asserted that the Government of Canada's Northern Abandoned Mines Reclamation Program included funding to cover NATC's care and maintenance costs. He referred to a BC Supreme Court Order entered November

¹ See the MVLWB Online Registry (www.mvlwb.com) for [MV2023L2-0006](#).

² See the LWB Online Review System for [Cantung Mining and Milling – Type A Renewal Licence Application – July 14 23](#).

³ See the MVLWB Online Registry for [NATCL – Notification – Preliminary Screening Determination and RFD – Oct6 23](#).

⁴ See the MVLWB Online Registry for [NATCL – Type A Renewal Application – Pre-Hearing Conference Agenda – Sept 19 23](#).

⁵ See the MVLWB Online Registry for [NATCL – Type A Renewal Application – Work Plan – Version 5 – Oct 17 23](#).

⁶ See the LWB Online Review System for [Cantung Mining and Milling – Type A Renewal Licence Application – Draft Licence Conditions – Oct 18 23](#).

⁷ See the MVLWB Online Registry for [NATCL – CIRNAC Financial Security Letter – Mar 11 23](#).

16, 2015 which “requires the Government of Canada[to] fund NATC’s care and maintenance at Cantung”.

In order to provide the Board with clear and unambiguous evidence for decision making Board staff have determined that additional information is required.

These additional information requirements are set out in the numbered Information Requests (IRs) below, and in accordance with the Land and Water Board (LWB) [Rules of Procedure](#),⁸ the Board requests that Crown Indigenous Relations and Northern Affairs Canada – Contaminated Areas Remediation Division (CIRNAC-CARD) submit the information by **November 17, 2023**.

Information Request #1 (IR1) – to CIRNAC-CARD:

1. Please provide a true copy of the Court Order referred to in Matthew Spence’s February 15, 2023 letter, including any affidavits in support and all attachments to the Order and affidavits.
2. Provide all necessary information to explain the funding to be provided for care and maintenance, and any other activities to be conducted at the NATCL mine site, under the Northern Abandoned Mines Reclamation Program for the duration of the licence term applied for by the Monitor/NATCL.
3. Indicate whether there is any relationship between contractors or staff that could be retained by the Monitor for care and maintenance of the NATCL mine site and CIRNAC and explain. If none, outline the activities planned by CIRNAC for the duration of the licence term applied for.
4. Provide an explanation and legal rationale indicating how CIRNAC’s federal funding provides a guarantee for the financial capacity required of a separate licensee under the MVRMA – in this case the Monitor/NATCL which are different legal entities than CIRNAC.

Please contact Kathy Racher via [email](#) or at (867) 766-7457 with any questions or concerns regarding this letter.

Yours sincerely,



Kathy Racher
Executive Director, Mackenzie Valley Land and Water Board

BCC'd to: NATCL/Cantung Distribution List
 Tim Morton – Inspector
 Rasal Hossain – CIRNAC
 Sam Kennedy – CIRNAC

⁸ See the MVLWB Rules of Procedure page to access the LWB [Rules of Procedure](#). Rules 61 and 63.