



**Liard First Nation Executive Council Office**

PO Box 328 WATSON LAKE YT Y0A 1C0  
Phone: 867.536.7901 • Fax: 867.536.7910 • Email: ea@liardfirstnation.ca

WATSON LAKE  
November 28, 2023

**SENT VIA EMAIL**

Kathy Racher, Executive Director  
Mackenzie Valley Land and Water Board  
P.O. Box 2130  
4922 – 48<sup>th</sup> St, 7<sup>th</sup> Floor YK Centre Mall  
Yellowknife, NT X1A 2P6

Dear Kathy:

**Re: Cantung Mining and Milling Type A Renewal Licence Application – MV2023L2-0006 – Liard First Nations Response to Security Matters**

Liard First Nations (LFN) is writing to provide comment on the Board's Information Request of November 1, 2023 related to the Licence security. We have had the benefit of reviewing CIRNAC's response of November 17, 2023.

Our understanding is that the licence requires security in the amount of \$27.9 million, and the actual security on hand is closer to \$9.3 million; it is not clear to us who has been holding that security since Canada resumed its direct oversight of the project lands. Our understanding of the CIRNAC response is:

- a. CIRNAC is asserting that the terms of the licence do not need to be met;
- b. The existing order in the *Companies' Creditor Arrangement Act* (CCAA) proceedings provides assurance that Canada will pay;
- c. The existence of funding for the Northern Abandoned Mines Reclamation Program stands in place of the proponent providing the required security.

Our concern is that CIRNAC continues to support a private corporation acting as the proponent for this project, while expecting that proponent to be treated as if it was a government – and not have to submit the required security. We note the following:

- a. There is no guarantee that the next CCAA order, or any following, will provide the same support CIRNAC is asking the Board to rely on;
- b. The existence of the Northern Abandoned Mines Reclamation Program is no assurance that Crown priorities will not change in the future.

We believe our concerns about NATC continuing to be inserted as a proponent is reflected in their recent argument that the risk associated with the dam assessment should be downgraded.

A Crown proponent, embracing its governance and fiduciary responsibilities, may have prioritized that classification very differently.

Further, the response of Canada to the Information Request does not provide a breakdown of how funding is going to be allocated among the various major contaminated sites that are impacting Kaska territory and those of our neighbours. How is the Board intending to make a decision about the sufficiency and the stability of security in funding with those broad general statements?

As we have previously noted, we support the renewal of this licence, but we re-assert our position that Canada should not continue to be inserting a straw man proponent in its place simply so that it can avoid the stringent public standards and ethical requirements of its own contracting and hiring processes.

As we have noted many times, LFN has an incredibly negative history with NATC, and our interactions with the Monitor have also failed to be meaningful or fruitful. Reconciliation, the goal at the heart of section 35, is not enabled by this continued governance fiasco.

Yours sincerely,  
Liard First Nation Lands

A handwritten signature in black ink that reads "Travis Stewart". The signature is written in a cursive, flowing style.

Travis Stewart, Director

cc. Kaska Chiefs  
Jeff Mackey, CIRNAC  
Madeleine Benjamin, CIRNAC