



**Liard First Nation Executive Council Office**

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WATSON LAKE  
October 11, 2023

**SENT VIA EMAIL**

Kimberley Murray, Regulatory Specialist  
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 Kimberley:

**Re: Cantung Mining and Milling Type A Renewal Licence Application – MV2023L2-0006 – Liard First Nation Written Intervention**

Liard First Nations (LFN) is writing to notify the MVLWB that it does not oppose the renewal of Type A Water Licence MV2023L2-0006 for Cantung Mining and Milling (the “Project”). LFN’s non-opposition is possible as long as there is a time-limited Type A Renewal Water Licence issued which mirrors the current MV2015L2-0003 to bridge the gap between the expiration of the current licence on January 27, 2024 and the commencement of a completed MV2023D0010 Land Use Permit and MV2023L2-0001 Water Licence, subject to the conditions below.

LFN’s non-opposition to the proposed short-term renewal relies on two conditions:

1. Amend the portion of the Water Licence referencing existing water users affected by the Project (i.e., Section 9 in the application) to include LFN. This condition is offered by LFN with the understanding that Kaska Aboriginal rights and title (“Kaska rights”) include a complex bundle of rights, of which water use is but one. We have previously provided background on Kaska rights in our letter of May 19, 2023.
2. Assurance from the MVLWB that LFN will have the opportunity during the ongoing regulatory proceedings of MV2023D0010 and MV2023L2-0001 to have further evidence of Kaska rights heard, understood, and appropriately accommodated in a Final Closure Plan.

LFN’s non-opposition in this matter is also contingent on the understanding that the renewal application will result in no significant amendments from the existing terms and conditions of MV2015L2-003 (excluding any relevant amendments based on LFN-condition #1, and that the ongoing regulatory proceedings will supersede MV2023L2-0006 if approved by the Board.

LFN has not had the benefit of having Kaska rights and interests meaningfully considered, let alone appropriately accommodated, in relation to the Project's operations and regulation to date; Kaska rights have therefore been largely unprotected in previous regulatory approvals, terms, and conditions. This includes potential impacts to Liard's Cultural Integrity, diverse economic interests, and Heritage Resources as well as harms arising from the lack of inclusion or consideration of LFN-specific traditional knowledge on the environmental, cultural, and social values in the Project area and how the Project has and continues to impact those values.

LFN has been actively engaged in the current regulatory proceedings related to Cantung, including this Renewal Water Licence Application, and requests Intervenor status on this and all Cantung-related proceedings of the MVLWB in order for us to remain an active and acknowledged participant in regulatory steps and Crown decisions.

With respect to the timing of the MVLWB Board's review of this application, LFN agrees with other parties on the Online Review System (ORS) that approval of this Renewal Water Licence is largely administrative and should occur prior to the expiration of the existing MV2015L2-0003 Water Licence. LFN is also keen to focus its time and effort on the ongoing regulatory proceedings for MV2023D0010 and MV2023L2-001. Based on fulfillment of the two conditions presented above, LFN finds a Public Hearing unnecessary for this approval process and that participation via the ORS provides sufficient opportunity to review and discuss relevant application developments as they are currently understood.

LFN looks forward to responding to any questions the MVLWB may have and supports an expedited review of this Application.

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, AANDC