

Land and Water Boards of the Mackenzie Valley



APPLICATION FOR LICENCE, AMENDMENT OF LICENCE, OR RENEWAL OF LICENCE IN FEDERAL AREAS

Subsection 6(1) and Schedule III of the [Mackenzie Valley Federal Areas Waters Regulations](#)

Use an "X" to indicate which Board the Application is being made to:	Mackenzie Valley Land and Water Board:	X	Sahtu Land and Water Board:	
	Wek'èezhii Land and Water Board:		Gwich'in Land and Water Board:	

To complete this form, please refer to the MVLWB [Guide to the Water Licensing Process](#) (Guide) and fill in the grey fields; attach additional pages, as necessary. Indicate N/A in the grey fields for Items or parts of Items that are not applicable. An application package checklist is provided in the Guide. Review the following MVLWB guidance for formatting your Application Package:

- [Document Submission Standards](#)
- [Standard Outline for Management Plans](#)



Received: July 6, 2023

File #: MV2023L2-0006

Copied to: KM / Registry

If applicable, provide the existing or current Water Licence number:	MV2015L2-0003 (in place), MV2023D0010 and MV2023L2-0001 (in progress)		
Use an "X" to indicate if this Application is accompanied by another Application for a Water Licence in a non-federal area and/or a Land Use Permit.	Water Licence:		
	Land Use Permit:		

1. NAME AND CONTACT INFORMATION – APPLICANT

Applicant's Name:	Vicki Chan		
Position:	Court-Appointed Monitor		
Company Name:	North American Tungsten Corporation Ltd.		
Mailing Address:	c/o Alvarez & Marsal Canada Inc. 902-925 West Georgia St.		
Community:	Vancouver	Telephone:	604-639-0847
Prov/Terr:	BC	Email:	vchan@alvarezandmarsal.com
Postal Code:	V6C 3L2	Other:	

2. NAME AND CONTACT INFORMATION – APPLICANT'S HEAD OFFICE

Include a Certificate of Corporate Registration from the Government of the Northwest Territories to your Application Package.

Use an "X" to indicate this information is the same as Item 1 above:	X		
Name:			
Position:			
Company Name:			
Mailing Address:			
Community:		Telephone:	
Prov/Terr:		Email:	
Postal Code:		Other:	

3. LOCATION OF PROJECT

Use the grey fields below to provide or reference the following information:

Traditional Place Name: No known traditional place name for the mine site

Maps and Geographic Information System (GIS) Data: Include a map in your Application Package, identifying local geographic features, watercourses and water sources, project structures, and location(s) of any proposed waste deposits. Provide geographic coordinates (latitude and longitude) of project features, and the maximum and minimum project boundary in degrees, minutes, seconds, or decimal degrees. Include GIS data in your Application Package, if applicable. Refer to the MVLWB [Geospatial Data Submission Standards](#) for providing geographic information.

Minimum latitude:	61.8621245	Maximum latitude:	62.0461869
Minimum longitude:	127.9550654	Maximum longitude:	128.3556083

NTS Map Sheet No.: Provide the map sheet number: 105H16 Tungsten

Land Types: Use an "X" to indicate the type(s) of land on which the activities are proposed:

Free Hold/ Private:		Commissioner's/ Territorial Lands:		Federal Land:	X	Municipal Land:	
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4. DESCRIPTION OF PROJECT

Describe the proposed activities in the grey field provided below and contact Board staff to determine whether additional information will be required. For proposed amendments to authorized activities, specify: the nature of the amendment, the condition(s) to be amended, and the rationale for the amendment.

North American Tungsten Corporation Ltd. (“NATC”) is in the process of permitting and relicensing care and maintenance activities. These proceedings are ongoing as files MV2023D0010 and MV2023L2-0001. Given the timing of the ongoing proceedings for a longer-term renewal (10years) and the related delays that have arisen (due to the extended duration of pre-application engagement, extension to party comment period, additional information requests, and the procedural and schedule uncertainty associated with the type of licence), it is reasonably expected that the proceedings will continue into early 2024 beyond the expiry of the current water licence, MV2015L2-0003 (expires on January 27, 2024). Accordingly, NATC is applying for a new Type A water licence to continue its currently licenced activities until MV2023D0010 and MV2023L2-0001 are issued, which is reasonably expected in the first half of 2024.

The scope of the new Type A water licence is the same as that currently in place; no new activities are planned, and similarly, no changes to the current licence terms and conditions or approved management plans are proposed. Given there are no changes to the project, NATC respectfully requests that this application be treated in a similar manner to a Short Term Renewal wherein a public hearing is not required, and the regulatory process can be expedited.

While NATC understands that a new Type A water licence is required, for clarity, it is referring to this as the “Extension Application/Licence” as it is intended to extend the duration of the current licenced activities.

5. TYPE OF UNDERTAKING

Refer to Schedule II of the [Mackenzie Valley Federal Areas Waters Regulations](#). Use an “X” to indicate which one type of undertaking applies:

1	Industrial	
2	Mining and milling	X
3	Municipal	
4	Power	
5	Agriculture	
6	Conservation	
7	Recreation	
8	Miscellaneous	(describe):

6. WATER LICENSING CRITERIA

Refer to Schedules IV to VIII of the [Mackenzie Valley Federal Areas Waters Regulations](#). Use an “X” to indicate which criteria apply:

	Type B	Type A	
To obtain water		X	
To cross a watercourse		X	
To modify the bed or bank of a watercourse		X	
Flood control			
To divert water		X	
To alter the flow of, or store, water			
To deposit waste		X	
Other			(describe):

7. PROPOSED QUANTITY OF WATER INVOLVED

Describe the purpose of each proposed water use, name, and type (e.g., lake, river) of the water source, the location, and the quantity of water that would be used in the grey fields below. Add more rows as needed.

Purpose of Water Use	Name and Type of Water Source	Location	Geographic Coordinates		Proposed Water Use Volume/Rate, including units
			Latitude	Longitude	
Domestic	Flat River	Cantung Mine site	61° 58.355'N	128° 14.180'W	Up to 299 m ³ /day

For each water source identified in the table above, provide a comparison of total proposed water use to the available capacity. Add more rows as needed.

Water Source	Capacity of Water Source, including units	Other Users of the Water Source	Comparison of Total Proposed Water Use to Available Capacity
Flat River	137,080,687 m ³ flowed through the monitoring station at 4-45 on the Flat River in 2021	None known	0.027% of the Flat River volumes is proposed to be used annually

8. PROPOSED WASTE MANAGEMENT METHODS

Use the grey field below to provide or reference the following information:

Waste Management Plan: Include a Waste Management Plan in your Application Package, if applicable, or for small-scale activities, describe proposed waste management activities in the grey field provided below. A template for the Plan is available in the MVLWB [Guidelines for Developing a Waste Management Plan](#).

If waste is proposed to be disposed of off-site within the NWT, written confirmation (e.g., an email, letter, etc.) from the facility/facilities indicating they will accept the waste is required. Include it/these in your Application Package. Please note this information will be required by the Board prior to commencement of activities.

Municipalities: Complete the relevant Operations and Maintenance Plans using the available [Templates](#) and include them in your Application Package. Please refer to Sections 4-8 of Environment and Climate Change Canada’s [Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document](#).

EQC and AEMP: For activities that involve the deposit of waste into water, provide proposed effluent quality criteria (EQC) in accordance with the MVLWB [Water and Effluent Quality Management Policy](#) and MVLWB/GNWT [Guidelines for Effluent Mixing Zones](#). Please refer to the MVLWB/GNWT [Guidelines for Effluent Mixing Zones](#) when mixing zones are being considered. Please refer to the MVLWB/GNWT [Guidelines for Aquatic Effects Monitoring Programs](#) for more information regarding the development of AEMP programs.

[See the existing approved Waste Management Plan](#)

9. EXISTING WATER USERS AFFECTED BY THIS PROJECT

Describe pre-Application engagement efforts with any existing water users and associated possible claims for water compensation or compensation agreements. Include the names and locations of existing water users (e.g., persons or organizations) in the grey fields below. An additional table should be added for each water user.

Name:	Nahąą Dehé Dene Band
Community:	Nahanni Butte
Province/Territory:	NT
Describe Engagement Completed:	In response to party comments in relation to the MV2023D0010 and MV2023L2-0001 proceedings, the Nahąą Dehé Dene Band requested acknowledgement as an “existing water user” and that, in future, NATC include this acknowledgement in its applications and other documents.

10. POTENTIAL ENVIRONMENTAL IMPACTS OF THE PROJECT AND PROPOSED MITIGATIONS

If the proposed project, or parts of the proposed project, may be exempt from preliminary screening, describe the rationale for the exemption in the grey field below. Include the date of the most recent screening, and/or the environmental assessment or impact review number.

[This application is exempt from screening as the current licence, which NATC is seeking to continue, was exempt. This Screening Decision was issued on July 16, 2015.](#)

Unless the project could be exempt from preliminary screening, using the Impact-Mitigation Table below, or the more detailed Table in Appendix F of the [Guide](#), identify all potential impacts and possible mitigations that are relevant to the proposed project, and indicate whether any of the mitigation measures have been developed as a result of input from affected parties. Applicants for type A water licences must use the

detailed Table in the Guide; other applicants may choose either the Table below or the Table in the Guide. Possible potential impacts are listed below; however, these lists are not exhaustive and may not apply to all projects. All information provided should reflect the size, scale, and nature of the proposed project. Cumulative impacts and climate change must be considered. Attach additional pages if needed.

Potential Impacts <i>Use an "X" to indicate which apply</i>	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
ABIOTIC COMPONENTS	
Land	
Soil contamination	
Soil compaction	
Destabilization/erosion	
Change in soil structure	
Inability to support vegetation	
Other	
Water	
Groundwater	
Water table alteration	
Infiltration changes	
Changes in water quality	
Temperature changes	
Other	
Permafrost	
Loss or change in extent	
Changes in seasonal fluctuations	
Change in persistence	
Other	
Surface Water	
Water flow or level changes (permanent, temporary, seasonal)	
Drainage pattern changes	
Temperature changes	
Changes in water quality	
Wetland impairment	
Changes to aquatic habitat (see Biotic section below)	
Other	
Air	
Changes in air quality	
Harm to living things	
Increased greenhouse gases	
Other	

Potential Impacts <i>Use an "X" to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
BIOTIC COMPONENTS		
Vegetation		
Direct loss of vegetation		
Loss of Species at Risk or may-be-at-risk plants		
Change in species composition		
Introduction of non-native (invasive) species		
Effects on plant health (dust, metals, toxins)		
Increased risk of fire		
Compaction of vegetation		
Other		
Terrestrial Wildlife Habitat		
Direct loss or removal of habitat, dens, or nests		
Loss or removal of keystone species and/or Species at Risk habitat		
Fragmentation of wildlife corridor		
Direct injury or mortality		
Disturbances to key lifecycle stages: breeding, feeding, nesting, staging		
Effects on population abundance		
Change in species diversity		
Effects on wildlife health (toxins, metals, etc.)		
Changes to migratory movement patterns		
Changes to predator-prey relationships		
Human-wildlife conflicts		
Other		
Aquatic Habitat		
Breeding disturbances		
Change in species diversity		
Effects on health (toxins, metals, sediment, etc.)		
Changes to migratory movement patterns		
Changes to predator-prey relationships		
Effects on population abundance		
Change in species diversity		
Other		
CULTURAL COMPONENTS		
Wildlife Harvesting		
Loss or reduction in game species populations		
Effects on traditional land use, subsistence, and harvesting rights		
Other		

Potential Impacts <i>Use an "X" to indicate which apply</i>	X	Potential Project Impacts and Proposed Mitigations <i>Describe the potential impact(s) and the proposed measure(s) to reduce each of these impacts.</i>
Cultural Integrity and Heritage Resources		
Change to or loss of cultural integrity		
Change to or loss of traditional lifestyle		
Change to or loss of heritage resource		
Other		
Social and Economic Well-being		
Increased human health hazard and risk		
Economic opportunities or losses (employment, training)		
Change in ecological, cultural, social, or economic values identified for protection in approved Land Use Plans		
Impairment of the recreational or traditional uses of the land or water		
Impairment of the aesthetic quality of the land or water		
Changes to the use of the area by other non-Indigenous people (e.g., trappers, outfitters, residents, hunters, forest harvesters, other authorized projects)		
Other		

Spill Contingency Plan: Include a Spill Contingency Plan in your Application Package, if applicable, or for small-scale activities, provide relevant details in the grey field provided below. An example of this Plan can be found in the INAC [Guidelines for Spill Contingency Planning](#).

[See the current approved Spill Contingency Plan.](#)

11. NAME AND CONTACT INFORMATION – CONTRACTORS AND SUB-CONTRACTORS

Include relevant names, responsibilities, and contact information in the grey fields below. An additional table should be added for each contractor and sub-contractor.

Name:			
Responsibilities:			
Company Name:			
Mailing Address:			
Community:		Telephone:	
Prov/Terr:		Email:	
Postal Code:		Other:	

X	Use an "X" to indicate that contractor and/or subcontractor information is not available at this time.
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12. STUDIES UNDERTAKEN TO DATE

In the grey field below list any relevant studies that support the proposed activities and include them in your Application Package.

Since the current water licence was issued in 2016, various studies have been undertaken and are being considered in relation to the proceedings for MV2023D0010 and MV2023L2-0001. As these studies are not directly related to the scope of this application, they are not provided here.

13. PROPOSED PROJECT SCHEDULE AND TERM

Indicate the proposed project start and completion dates, and the time of year the project activities are planned to occur. Describe any anticipated temporary closure(s) or seasonal shutdowns. Indicate the term requested.

Start Date:	January 28, 2024	Completion Date:	January 28, 2026
Work will continue to occur year-round.			
While it is anticipated that the proceedings for MV2023D0010 and MV2023L2-0001 will end with licence issuance in early to mid-2024, NATC is conservatively applying for a licence duration of 2 years to ensure it remains licenced should any unforeseen circumstances arise in relation to the aforementioned proceedings. NAATC understands that once MV2023L2-0001 is issued, the Extension Licence can be terminated.			
Term of Licence Requested:	2 years		

14. ADDITIONAL SUPPORTING INFORMATION

Use the grey field below to provide or reference the following information:

Engagement: Conduct engagement, prepare an Engagement Record and Engagement Plan in accordance with the MVLWB [Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits](#), and include them in your Application Package. Templates are provided in the Guidelines. Please also refer to [Information for Proponents on MVLWB's Engagement Requirements](#).

Eligibility: Contact Indigenous, federal, and territorial governments, and other parties to ensure all appropriate authorizations have been obtained or are in the process of being obtained. Obtain permission from the landowner(s), if necessary (e.g., obtain and reference licences of occupation, leases, access authorizations, etc.) and attach it/them to the Application.

Land Use Plans: Contact the applicable Land Use Planning Board or the Tłı̨ch̓ Government to discuss conformity with the relevant Land Use Plan(s). Include a Land Use Plan Conformity Table in your Application Package, demonstrating how the project meets the requirements of the Land Use Plan, if applicable.

Traditional (Environmental) Knowledge (TEK/TK): Provision of TEK/TK is mandatory for Applications to the Sahtu Land and Water Board. Other applicants are strongly encouraged to include TEK/TK.

Facilities: Include the supporting information required under subsection 6(2) of the [Mackenzie Valley Federal Areas Waters Regulations](#) if the project includes the following: dam(s); storage reservoir(s);

watercourse crossing(s); camp(s) or lodge(s); use of water for industrial use or mining and milling; deposit of waste; or handling or storage of petroleum products or hazardous materials.

Closure and Reclamation: Include a Closure and Reclamation Plan in the Application Package, or for small-scale activities, describe the proposed closure and reclamation activities in the grey field provided below. Describe any temporary closure(s) and seasonal shutdowns. Please also refer to the MVLWB/AANDC [Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories](#) and Environment and Climate Change Canada's [Solid Waste Management for Northern and Remote Communities: Planning and Technical Guidance Document](#).

Closure Cost Estimate: Prepare a Closure Cost Estimate and include it in your Application Package. Applicants are encouraged to contact Board staff, prior to applying, to determine which closure-cost-estimate template is most suited to the project activities being applied for. Guidance is provided in section 2.2 of the MVLWB/AANDC/GNWT [Guidelines for Closure and Reclamation Cost Estimates for Mines](#). If your Application is submitted concurrently with a Land Use Permit Application, the estimate should include a breakdown of water- and land-related activities and liabilities.

Financial Capacity: Provide information relating to your financial capacity, as outlined in in paragraph 72.03(5)(d) of the [Mackenzie Valley Resource Management Act](#). Please note this information will be required by the Board prior to issuance.

ENGAGEMENT: See the existing approved [Engagement Plan](#). A record of engagement related to the scope of this application is included in this submission.

ELIGIBILITY: NATC holds the following leases

- Mining
 - NT-2449
 - NT-3129
 - NT-3140
 - NT-3141
 - NT-3145
 - NT-3181
 - NT-3207
- Surface
 - 105H 16-17-14
 - 105H 16-7-12
 - 105H 16-8-8
 - 105H 16-16-8
 - 105H 16-17-13

NATC is also a registered corporation. [Registered Corporation](#)

LAND USE PLANS: There is no approved land use plan in place for the Project area.

TRADITIONAL (ENVIRONMENTAL) KNOWLEDGE (“TEK” or “TK”): A *Land Use Survey* for the area in and around the Cantung Mine site was completed by the Nahąą Dehé Dene Band (2018/2019), as was a *Knowledge, Land Use and Occupancy Study* by the Łíídlıı Kúę First Nation (2021).

NATC understands and appreciates the Board's responsibility to consider TK. While the TK reports are not included with the application NATC will follow up with the MVLWB and the First Nations regarding appropriate sharing of this information should it be required to inform this proceeding.

FACILITIES:

6.2.a.: Refer to the existing *Tailings Storage Facility Operations, Maintenance and Surveillance Manual* for relevant information on the tailings storage dams.

6.2.b.: Not applicable.

6.2.c.: No new water course crossings are proposed. A description of the watercourse can be found in *Fifth Cycle EEM Interpretive Report and Final Biological Study, Cantung Mine EEM*, RC BioSolutions (2017) and in the *Hydrology Management Plan*. Flow data is reported monthly under the existing licence.

6.2.d.: Not applicable.

6.2.e.: Refer to the existing approved *Water Management Plan, Waste Management Plan* and *Spill Contingency Plan*.

6.2.f.: Refer to the existing approved *Waste Management Plan*

6.2.g.: Refer to the existing approved *Spill Contingency Plan*.

6.2.h.: Refer to the existing accepted *Care and Maintenance Plan*.

CLOSURE AND RECLAMATION: There is no existing approved *Interim Closure and Reclamation Plan*. Submission of this plan has been **deferred** and deferral will again be requested (under separate cover) with closure planning aspects to be practically addressed in relation to the proceedings for MV2023D0010 and MV2023L2-0001.

In mid-2022, a decision was made to proceed to permanent final closure, and closure planning and engagement is ongoing. Accordingly, NATC has previously provided an updated *Care and Maintenance Plan* that has been **accepted by the MVLWB**.

CLOSURE COST ESTIMATE & FINANCIAL CAPACITY: There is no change to the circumstances related to NATC's financial capacity. Please refer to a **recent letter issued by CIRNAC related to financial capacity**.

Further, NATC confirms that \$9.6 million is held in trust pursuant to an Amended and Restated Reclamation Security Trust Indenture dated November 18, 2015.

In addition, the Government of Canada funds the activities at Cantung Mine through the Northern Abandon Mines Reclamation Program (NAMRP). This program, announced in the 2019 Federal budget, invests \$2.2 billion over 15 years starting in 2020–21 to exclusively address the eight largest and highest-risk abandoned mines in the Yukon and the Northwest Territories, one of which is the Cantung Mine. In addition, the 2023 Federal Budget has committed an additional \$6.9 billion to the program until 2035. The existence of the Northern Abandoned Mines Reclamation Program ensures that the funding for NATC's operations are both stable and available for the long-term.


15. FEES

Refer to the Guide for assistance with determining applicable fees.

Type of Fee	Amount (\$)
Application fee (if applicable):	\$30.00
Water use fee deposit:	\$1,091.35
Total Fees:	\$1,121.35

16. SIGNATURE

Vicki Chan	Court Appointed Monitor, North American Tungsten Corporation Ltd. c/o Alvarez & Marsal Canada Inc.
Applicant's Name (print) or Company Name	Position (print)

	5 July 2023
Signature	Date

Review the application package checklist provided in the Guide, and submit completed applications to the Regulatory Manager or Executive Director identified on the "Contact Us" pages of the respective Land and Water Board (www.mvlwb.com, www.wlwb.ca, www.slwb.com, www.glwb.com).