

## **CanTung Mine Challenges Mackenzie Valley Resource Management Act**

CBC Radio, August 28, 2002, 6:30/8:30 a.m.

CBC: When does an old mine need a new licence? That's the question North American Tungsten wants the territorial Supreme Court to answer. It's the first time the Mackenzie Valley Resource Management Act has been challenged in court. As Julie Green reports, the problem turns on the definition of one word: renewal.

GREEN: The land and water board says it can't renew the water licence for the CanTung Mine northwest of Nahanni National Park Reserve. In the decision issued last month, the board described several possible meanings for the word "renew" and finds none of them apply. The board says North American Tungsten needs a new licence and referred the project for an environmental assessment. Mike Vaydik at the chamber of mines says the legislation makes allowances for old mines.

VAYDIK: We assumed that, as it says, if you had a permit before 1984, that you would continue to operate basically under the terms of that licence.

GREEN: The CanTung Mine got its first water licence in 1975. It's been renewed five times, most recently in 1995. The company's president says nothing has changed at the mine and he doesn't need a new licence or a long, costly environmental assessment. Udo Von Doran says the legislation contains a grandfather clause because of mines like his, but environmental groups have argued against renewing the mine's licence without a review. Jen Morin is with the Canadian Parks and Wilderness Society.

MORIN: There have been several changes in the scope of the project and every renewal licence application should be reviewed and have preliminary screening.

GREEN: These arguments may be replaced this fall if the Supreme Court accepts North American Tungsten's application for a judicial review. Julie Green, CBC News, Yellowknife.

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CBC Radio, August 28, 8:30 a.m.

CBC: A mining industry lobby group believes it was only a matter of time before the Mackenzie Valley Resource Management Act ended up in court. North American Tungsten has requested a judicial review of a land and water board decision not to renew its water licence for the CanTung Mine. It's a first for the board created by the act nearly four years ago. The chamber of mines took part in the long process of drafting the new regulatory system for the north. Mike Vaydik is the chamber's executive director.

VAYDIK: I think it was inevitable that someone would be challenging parts of the

Mackenzie Valley legislation. As someone who reviewed, along with my industry colleagues, 51 drafts of the Mackenzie Valley Resource Management Act, we pointed out that there were still a number of inconsistencies and concerns we had. I think we've been proven right by this decision by North American Tungsten.

CBC: The company has argued it doesn't need a new water licence for the environmental assessment the board has ordered. It says the licence renewal should have been issued under the act's grandfather clause. The Supreme Court of the NWT will look at the application for a judicial review next month.