



Mackenzie Valley Land and Water Board

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April 26, 2002

FILE: N3L2-0004

Mr. Udo von Doehren
President and CEO
North American Tungsten Corporation Ltd.
P.O. Box 19
1400 - 1188 West Georgia Street
VANCOUVER BC V6E 4A2

Dear Mr. Udo von Doehren:

Water Licence Renewal Application N3L2-0004

Thank you for your letter dated April 23, 2002 referencing the above licence renewal application. As you are aware, Parks Canada is one of the agencies that will be commenting on the preliminary screening of the water licence conducted by the Mackenzie Valley Land and Water Board (MVLWB). The MVLWB is required to provide the public, government agencies and first nations the opportunity to comment on all preliminary screenings conducted under Part 5 of the *Mackenzie Valley Resource Management Act* (MVRMA). The MVLWB is the decision maker for the screening in relation to the water licence and it will consider, but is not bound by, any comments submitted by reviewers participating in the preliminary screening.

If Parks Canada is a regulatory authority for purposes of this development, it could conduct its own preliminary screening, or if dissatisfied with the results of the MVLWB preliminary screening, it may exercise its discretion under paragraph 126(2)(a) of the MVRMA and refer the development to the Mackenzie Valley Environmental Impact Review Board for an Environmental Assessment. However, if Parks Canada is not a regulatory authority for purposes of this development, it will be bound by the MVLWB's decision on the preliminary screening.

We have referred your earlier correspondence to counsel and secured advice about the applicability of section 157.1 of the MVRMA to this development. Based on the advice received, it is the Board's view that Water Licence N3L2-0004 was granted effective September 30, 1995. This was a new licence which replaced earlier licences. It is thus the Board's view that the exemption referred to in section 157.1 does not apply to your licence and that a preliminary screening of the renewed operation under this licence is required.

We trust that our views on this matter are clear.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Bob Wooley".

Bob Wooley
Executive Director

02-003