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## Tungsten mine water battle goes to appeal

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**YELLOWKNIFE** - North American Tungsten has decided to appeal a decision requiring its CanTung mine to undergo an environmental assessment. Court documents haven't been filed yet, but a company news release says the Supreme Court "erred in law".

The company requested a judicial review of the Mackenzie Valley Land and Water Board's order of an environmental assessment.

North American Tungsten believes the assessment will cost time and money it doesn't have during its last three years of production.

Last month Madame Justice Virginia Schuler disagreed.



The company hopes to be back in court in late January

### Background

- North American Tungsten reopened the mine in January 2002 after negotiating a three-year contract to sell tungsten
- That contract is in jeopardy if the company doesn't have a water license.
- The land and water board recommended the one year extension of the current license while the mine undergoes an environmental assessment.
- North American Tungsten argues it will cost up to \$1.5 million and take

She ruled that even though the mine has had a series of water licenses since 1975, it should not be exempt from environmental assessment.

Now, says a press release "believing that the Supreme Court erred in law in making its decision, [the company] is initiating an appeal to the Court of Appeal of the Northwest Territories".

LINK: North American Tungsten news release

FROM November 29, 2002 : Nault approves extension for CanTung licence

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up to \$1.5 billion and take up to a year. The company says it doesn't have the time or money because of its time-limited contract.

- It also says its application to renew its license is protected by a grandfather clause in environmental legislation. The land and water board says the grandfather clause doesn't apply.

- In late November, Northern Affairs Minister Robert Nault gave the mine's owners a one-year extension to the mine's water licence while they work on the environmental assessment.

assessment in a way that will truly protect land and water," she says. "We want to ensure that no judicial interpretation of the Act takes away the gains that were made in drafting it."

North American Tungsten had no comment on its decision to appeal.

North American Tungsten says it hopes to bring the matter on for hearing in late January 2003.

Environmental groups applauded the original decision and plan to take part in the appeal.

The executive director of the Canadian Arctic Resources Committee, Karen Wristen, says her group supports the spirit of the legislation that created the new regulatory boards.

LINK : Canadian Arctic Resources Committee

"What the board has done is to try to breathe life into those words to try to conduct environmental assessment in a way that will truly protect land and water," she says. "We want to ensure that no judicial interpretation of the Act takes away the gains that were made in drafting it."

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