

## Joe Acorn

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**From:** Suzanne.Richards@pc.gc.ca  
**Sent:** Thursday, August 15, 2002 10:33 AM  
**To:** Joe Acorn; Louie Azzolini  
**Cc:** Chuck.Blyth@pc.gc.ca  
**Subject:** North American Tungsten - Identification of Roles



Identification of EA  
Roles for...

Dear Mr. Acorn,

Attached is the response from Parks Canada on the identification of environmental assessment roles with respect to the Mackenzie Valley Environmental Impact Review Board File EA01-003 - North American Tungsten Corporation Ltd. Cantung Mining and Milling, Tungsten, NT. If you have any questions or require clarification, please contact Chuck Blyth, Superintendent, Nahanni National Park Reserve at (867) 695-3151, or the undersigned as follows.

(See attached file: Identification of EA Roles for NA Tungsten 3.doc)

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### Identification of Environmental Assessment Roles

Review Board File: EA02-0003 North American Tungsten Corporation Ltd. Cantung Mining and Milling, Tungsten, NT. (NAT)

Please read the Review Board's *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings (RoP)* and Section 111 of the *Mackenzie Valley Resource Management Act (MVRMA)* prior to completing this form.

NAT does not have to respond as the developer is automatically afforded status as a Directly Affected Party. Consultants retained by the Review Board will automatically be afforded status as Specialist Advisors.

If there are any questions, please contact Joe Acorn, Environmental Assessment Officer, at (867) 766-7052 or [jacorn@mveirb.nt.ca](mailto:jacorn@mveirb.nt.ca).

Please e-mail or fax (867-766-7074) the completed form to Joe Acorn by **Thursday Aug.15, 2002.**

#### **Section 1 – Designated Regulatory Agency**

Please indicate whether or not your agency is a Designated Regulatory Agency in accordance with s.111 of the *MVRMA*.

Designated Regulatory Agency Status:                   \_\_ Yes            \_\_**x**\_\_ No

If yes, please describe the license(s), permit(s) or other authorization(s) required from your agency for this development to proceed.

#### **Section 2 – Regulatory Authority**

Please indicate whether or not your department or agency is a Regulatory Authority in accordance with s.111 of the *MVRMA*.

Regulatory Authority Status:                   \_\_ Yes            \_\_ No   **Possibly, see note below.**

If yes, please describe the license(s), permit(s) or other authorization(s) required from your department or agency for this development to proceed under any federal or territorial law.

#### **Section 32 of the Canada National Parks Act states:**

- (1) Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural

environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.

- (2) If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.
- (3) A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

At this time, Parks Canada is determining the applicability of these provisions to the discharge or deposit of substances that are capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health into waters flowing into Nahanni National Park Reserve.

### **Section 3 - Responsible Minister**

Please indicate whether or not your department is a Responsible Minister in accordance with s.111 of the *MVRMA*. Note that it is not necessary to issue a license, permit or other authorization to be classified as a Responsible Minister.

Responsible Minister Status:  Yes  No

If yes, please describe your jurisdiction in relation to the development under federal or territorial law.

#### **1. Jurisdiction under the Canada National Parks Act**

“8.(2) Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of parks.”

4.(1) The national parks of Canada are hereby dedicated to the people of Canada for their benefit, education and enjoyment, subject to this Act and the regulations, and the parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations.

32. (1) Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.

32 (2) If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

32 (3) A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

## **2. Jurisdiction under the Nahanni NP Reserve Management Plan (1987)**

1.2.1.1 "Parks will protect for all time the wilderness river corridor of Nahanni National Park Reserve by ensuring the perpetuation of its...land and water ecosystems."

2.1.1. "Developing cooperative agreements with other agencies and interests adjacent to the park to ensure that the park's wilderness values are not compromised."

## **3. Jurisdiction under the Nahanni NP Reserve Management Plan Amendments (1994)**

3.4.1. "within the context of an ecosystem-based approach to management...preserve and protect ecosystems from incompatible development through the application of the "Environmental Assessment and Review Process."

3.4.1.1. "Parks will establish management strategies that ensure rivers within the Park remain free-flowing, unpolluted wilderness waterways, and that no unnatural change in park water quality results from the water flow into the park."

## **4. Jurisdiction under the Nahanni NP Reserve Management Plan (Draft 2002)**

"In the context of ecosystem-based management, efforts to maintain ecological integrity must focus on the watershed as the area which has the greatest impact on the ecosystem of Nahanni National Park Reserve."

5.2.2.2. "Continue to actively preserve and protect ecosystems from incompatible development through participation in the environmental impact review processes of the Mackenzie Valley Resource Management Act, for ...development projects that occur in the watershed."

## **Section 4 – Rules of Procedure Classifications**

Please select **one** of the classifications listed below that indicate the status that you or your department, agency or organization are requesting in this environmental assessment before the Review Board. **Do not select more than one classification. See Note 1 at the end of the form.**

- Directly Affected Party (proceed to Section 5)
- Intervener (proceed to Section 6)
- Member of the Public (proceed to Section 7)
- None of the Above (proceed to Section 8)

## **Section 5 – Directly Affected Party**

Please describe your eligibility and reason for requesting status as a Directly Affected Party, the role that you intend to play in this EA and the information that you anticipate submitting to the Review Board (i.e. general comments, information requests, technical reviews). Proceed to Section 8 after completing this section.

Parks Canada, Nahanni National Park Reserve, is eligible as a directly affected party as the owner of lands affected by the North American Tungsten Corporation Ltd. Mining and Milling Development at Tungsten, NT. The proposed development has the potential to directly affect resources within the parkland and indirectly affect Park users, both recreational and traditional. Parks Canada will participate in the environmental assessment by reviewing documents, requesting information and providing expert advice if requested.

Parks Canada will provide the following information to the Review Board:

1. Nahanni National Park Reserve Management Plan 1987, Management Plan Amendments (1994) and 2002 Draft Management Plan
2. Joint report by Parks Canada and Environment Canada "Protecting the Aquatic Quality of Nahanni National Park Reserve, N.W.T." that establishes natural parameters of water quality in the South Nahanni watershed.

The information requests expected include, but are not limited to:

1. Will there be any substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health discharged or deposited in the park as a result of this project?
2. How will the discharge of minewater and exfiltrated mine effluent discharge from existing Tailings Pond 3 and Polishing Pond 4 into the Flat River impact on the water quality of the Flat River?
3. How will withdrawal of water from the Flat River for mine operation impact on the flow level of the Flat River and alter drainage patterns into the River?
4. How will changes to water levels and/or water quality impact on fish in the Flat River that may also move into the South Nahanni River?
5. How will the company prevent contamination of the Flat River and possibly the South Nahanni River from related operations at the mine site, including fuel storage?
6. What contingency plans or measures are in plan to prevent contamination of surface waters?
7. Will there be adverse impacts to groundwater from infiltration of the tailings storage ponds? Are the current techniques being used for sub-surface assessment of possible groundwater contamination adequate, i.e. are the monitoring wells placed at a sufficient depth and over a large enough area to monitor contaminant plume flows both horizontally and vertically? Can the company provide summaries of past data collected?
8. Will the operation of the mine impact on wildlife species that migrate in and out of Nahanni National Park Reserve and whose range extends to the Tungsten area?
9. Will aircraft access to the site impact on wildlife populations?
10. How will wastewater be treated, to which standards will it be treated and will the final effluent be discharged to the Flat River?
11. What dams or impoundments are proposed and how will surface water drainage be affected?
12. Can the company provide an analysis of the water quality data that has been collected over the last 20 years since the mine has been closed?

**Section 6 - Intervener**

Please describe your reason for requesting status as an Intervener, the role that you intend to play in this EA and the information that you anticipate submitting to the Review Board (i.e. general comments, information requests, technical reviews). Proceed to Section 8 after completing this section.

**Section 7 – Member of the Public**

Please describe your reason for requesting status as a Member of the Public, the role that you intend to play in this EA and the information that you anticipate submitting to the Review Board.

**Section 8 – Contact Information**

Name (one contact only): Chuck Blyth

Title: Superintendent

Organization: Nahanni National Park Reserve, Parks Canada Agency

Mailing Address: P.O. Box 348, Fort Simpson, NWT X0E 0N0

Courier Address: As above

Phone Number: (867) 695-3151

Fax Number: (867) 695-2446

E-mail Address: Chuck\_Blyth@pc.gc.ca

Number of Copies Requested for Mailed or Couriered Materials: 2

Communication Preference (fax or e-mail): E-mail

Date: August 8, 2002

Signature: Suzanne Therrien-Richards (Suzanne\_Richards@pc.gc.ca)

Note 1: There is no difference between the rights or obligations associated with the classifications of Directly Affected Party or Intervener. The two groups are together referred to as Parties in the Rules of Procedure. As such, there is no need to request status under both classifications.

An important distinction between a Member of the Public and the other two classifications is that a Member of the Public cannot issue or receive information requests or be cross-examined on evidence provided to the Review Board.