



Tulita District Land Corporation

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June 15, 2026

To the parties identified below:

The Honourable Tim Hodgson, Minister of Energy and Natural Resources Canada

The Honourable Rebecca Alty, Minister of Crown-Indigenous Relations and Northern Affairs Canada

The Honourable Jay Macdonald, Minister of Environment and Climate Change, Government of the Northwest Territories

Stephen Rose, Chairperson, Yukon Environmental and Socio-economic Assessment Board

JoAnne Deneron, Chairperson, Mackenzie Valley Environmental Impact Review Board

Valerie Gordon, Chairperson, Sahtú Land and Water Board

Donna Schear, Acting Chairperson, Sahtú Renewable Resources Board

Ian Gibbs, CEO, Fireweed Metals Corp.

Sent by email to the addresses listed at the foot of this letter.

Re: Mactung Tungsten Project's Gray Rhino - addressing the fatal flaw in the Project's assessment, and TDLC's call for a single coordinated review to resolve it

To the Parties:

The Tulita District Land Corporation (TDLC) is the Designated Sahtu Organization for the Tulit'a District under the Sahtu Dene and Metis Comprehensive Land Claim Agreement (1993), and represents the rights, interests, and title of the Tulit'a and Norman Wells Dene and Metis. TDLC supports the responsible development of critical minerals in the District. It writes not to oppose the Mactung Tungsten Project ("the Project"), but to solve a problem that threatens it.

TDLC has identified a fatal flaw in the way the Project is being assessed, and a straightforward remedy. It writes to all of you together, deliberately: that remedy cannot be delivered by any one party acting alone, and the moment to act is now, while the flaw can still be fixed.

This letter is organized so that each of you can find your part quickly. It sets out, in turn: (1) the flaw; (2) the remedy; (3) what each party is asked to do, with a short section addressed to each of you; and (4) what is risk if the flaw is left unaddressed.

1. The flaw: a foundation built on a single card

The Project's regulatory foundation is a house of cards. It rests on a single 2014 YESAB screening that:

- assessed Yukon effects only;
- covered a project deliberately de-scoped to keep the Northwest Territories regulatory system out; and
- was to be followed by a Sahtú Land and Water Board assessment that was never filed.

On that one card, a 2027 mine-licensing decision is now being built for a project that has since changed fundamentally in scope, design, financing, and strategic purpose. Remove the card and the structure falls. That is the risk every party to this letter now carries.

The flaw is no single party's fault. It is the product of six gaps, each now carrying its own legal exposure:

- (i) The 2014 screening is the cracked foundation, Yukon-only, and built for a project that no longer exists in that form.
- (ii) The Crown has not discharged its duty to consult the Sahtu on the Project as a whole; by Natural Resources Canada's letter of April 15, 2026, it instead identified a junior Yukon permit evaluation as the vehicle that supposedly would.
- (iii) YESAB assessed a fragment scoped too narrowly to be a lawful assessment of the actual undertaking.
- (iv) The Mackenzie Valley boards, MVEIRB, with authority over the Project's impacts within the Mackenzie Valley under MVRMA s. 141, and the Sahtú Land and Water Board, with its screening role, have never required Fireweed to fulfil the commitment alluded to in the 2014 YESAB approval that an assessment of the Northwest Territories components would be undertaken. The Northwest Territories side has therefore never been assessed at all.
- (v) The proponent has never carried out that Northwest Territories assessment: the Sahtú Land and Water Board application contemplated in 2014 was never filed, and the Project as a whole has never been assessed.
- (vi) The Government of the Northwest Territories, which owned the Project outright from 2015 until 2023, and retains a continuing financial interest through deferred and contingent payments owed to it by the proponent, supported and expected the Northwest Territories assessment in 2014, but has never followed up to demand or ensure that it occurred.

2. How the flaw arose: a documented pattern, not an accident

This is not a new pattern; it is a documented one. In a letter to YESAB dated May 8, 2012, the Project's then-owner, North American Tungsten Corporation Ltd., explained in its own words why it had chosen a

new Yukon-only access road over the existing Northwest Territories route.¹ By that date the company had been told, and recorded, that the Project was a transboundary undertaking, that the Mackenzie Valley board would be the default body for it, that the matter would likely proceed to environmental assessment in the Northwest Territories, that the board would want to assess the Project in its entirety rather than the road alone, and that the Sahtu would press for a full environmental assessment. It chose the Yukon-only route anyway because, in its own words, pursuing the Northwest Territories process “would put the viability of the entire Project at significant risk.”

What followed only deepened the problem. YESAB had itself examined the Northwest Territories regulatory landscape and concluded that the regulatory obstacles the company cited had eased. Then, in 2013, the proponent reversed course and moved the access route into the Northwest Territories, the Canol route, so that the road now physically lies within the Sahtu². Yet in 2014 YESAB recommended the Project proceed on the basis of Yukon effects only, on the express footing that an assessment of the Northwest Territories components would follow. The Government of the Northwest Territories supported and expected that assessment. It never came: the Sahtú Land and Water Board application that was to follow was never filed, and the Northwest Territories side has never been assessed to this day. The road is in the Northwest Territories; the assessment of it is not; and the Project as a whole has never been assessed.

A regulatory approach that carves a transboundary undertaking into a Yukon-only assessment, while the Northwest Territories components and effects are left to an assessment that never comes, cannot be reconciled with YESAB’s mandate to assess the undertaking actually before it. An assessment built around the avoidance the proponent recorded in 2012, and perpetuated by the unkept promise of 2014, excludes by design the transboundary effects and the rights-holders that reality engages. That does not fulfil YESAB’s mandate; it defeats it.

That failure is concrete and continuing on the live file, where the Designated Office has still not:

- (a) acknowledged TDLC as an Indigenous government entitled to notification;
- (b) confirmed that the North Canol Road is integral to the overall Mactung Project; or
- (c) acknowledged the cumulative effects that follow from that integration, which remain unaddressed.

Each of these was squarely raised by TDLC, and each remains unanswered.

These concerns do not arise in a vacuum. They reflect a broader and growing unease, shared well beyond TDLC, about the effectiveness and efficiency of the Yukon assessment process, and about a perceived tendency to favour proponents over the residents, First Nations, and Indigenous governments most

¹North American Tungsten Corporation Ltd. to the Yukon Environmental and Socio-economic Assessment Board, “Summary of NATC Examination of Mactung Spur Road Option and Decision,” May 8, 2012, included as an attachment to this letter.

²North American Tungsten Corporation’s withdrawal of Proposed New Road Access to the Mactung mine project proposal (File No. 2008-0304)

affected by their projects. The catastrophic 2024 failure of the heap-leach facility at Victoria Gold's Eagle Gold Mine, and the public cost, environmental harm, and loss of confidence that followed in the territory of the First Nation of Na-Cho Nyäk Dun, have only sharpened those concerns and the weight placed on proponent assurances. Whatever its precise causes, that failure underscores why the Sahtu cannot accept a fragmented, Yukon-only assessment of a project of this scale within their District. A comprehensive, independent, Sahtu-inclusive review is not an obstacle to responsible development; it is the safeguard that recent events show to be prudent.

TDLC has been aware of this situation for some time. What it lacked was any way into a process unfolding on the Yukon side of the border. That opening came only recently, from two sources: Natural Resources Canada's letter of April 15, 2026, which identified the North Canol granular-pits evaluation as bearing on the Crown's duty to consult the Sahtu; and the YESAB assessment of that permit (Project 2025-0157), which gave TDLC its first formal place to be heard, three days before the comment deadline, and with TDLC not even on the notification list. Having at last been able to participate, TDLC has confirmed what it long understood: the Crown's chosen consultation vehicle has failed on first contact with the rights-holder it was meant to consult. The flaw will not go away. It must be resolved.

3. The remedy: one coordinated, Sahtu-inclusive review

There is a remedy, and it is straightforward: a single, coordinated, Sahtu-inclusive assessment of the Project as the one integrated transboundary undertaking it is, convened by YESAB and MVEIRB under their existing Memorandum of Understanding and their cooperation and transboundary powers (YESAA ss. 30(2)(e), 31(3), and 42; MVRMA s. 141).

This is no novel idea to the proponent. In its own submission of June 12, 2026, Fireweed called for inter-jurisdictional collaboration and coordination between the Yukon and Mackenzie Valley regulators, and noted that it had convened a project-level integration discussion among them in September 2025. What TDLC proposes does properly, and at the level of the whole Project, what Fireweed has itself said should happen, this time with the Sahtu in the room.

TDLC asks the parties to convene a single table within sixty (60) days to agree the scope, the process, the Sahtu's role, the participant funding required, and a timeline for the coordinated review, a timeline keyed to delivering an agreed assessment approach ahead of the 2027 licence applications, so that fixing the foundation accelerates the Project rather than stalling it.

4. What each party is asked to do

None of this asks any party to do more than its own job. The responsibilities below already rest where this letter places them; to date, each party has largely stood on the sidelines, assuming another would act.

To the proponent (Fireweed Metals Corp.)

Own your responsibility as proponent and initiate the coordinated assessment. This responsibility is not new, it flows directly from the Northwest Territories assessment the 2014 YESAB approval contemplated and that Fireweed has never been carried out. Specifically:

- request that YESAB and MVEIRB coordinate a single review of the Project;
- bring forward a single integrated project description, rather than further fragmented filings;
- replace the single-permit cooperation arrangement TDLC has declined with a project-wide engagement framework; and
- in the meantime, cease advancing fragmented authorizations or relying on the 2014 screening as the Project's foundation.

To YESAB and MVEIRB

Fulfill your mandated roles. Convene and conduct the coordinated review under your Memorandum of Understanding and statutory powers, with the Sahtu as full participants.

To the Sahtú Land and Water Board and the Sahtú Renewable Resources Board

Participate in the coordinated review and align your screening and wildlife co-management functions with it.

To the Government of the Northwest Territories

Support the coordinated review and the proper assessment of the Project's Northwest Territories effects, effects that your territorial authorizations engage, and an assessment that the GNWT supported and expected in 2014 and that was never delivered.

To the Crown (Natural Resources Canada and Crown-Indigenous Relations and Northern Affairs Canada)

Support the coordinated process, and:

- provide the participant funding required for the indigenous governments to take part in the assessment, such funding being a responsibility of the Crown, not of the proponent;
- discharge the duty to consult the Sahtu through that process, rather than through the 2014 Yukon only screening process or fragmented authorizations; and
- hold further federal authorizations and funding milestones for the Project until the approach is settled.

5. What is at stake

TDLC's preference, plainly stated, is the cooperative path set out above. The parties should be equally clear about what is at stake if it is not taken.

The flaw in the Project's foundation does not cure itself, it deepens with every authorization, funding milestone, and dollar committed on top of it, and it leaves every approval built on that foundation open to challenge. That exposure is not TDLC's alone to press. A comprehensive, Sahtu-inclusive assessment and adequate consultation are requirements of law; any decision, authorization, or funding milestone that proceeds without them is vulnerable to review at the instance of any party withstanding to raise the

defect, another affected Indigenous government, an intervenor, or a rights-holder on either side of the border.

The predictable result, for the proponent and the Crown alike, is delay, the risk that approvals are quashed or set aside, and the stalling of a strategic critical-minerals asset after years and significant capital have been committed to it. That outcome serves no one, and it is precisely what the coordinated review is designed to prevent.

For Fireweed in particular, the exposure is not only regulatory. A known and unaddressed risk of this magnitude to the Project's foundation squarely engages the obligations of the company's directors to act in the best interests of the company and its shareholders, and the obligations of a publicly traded company to address that risk and to disclose it. Addressing the flaw now, through the coordinated review, is the course that meets those duties; allowing it to deepen, while capital and milestones accumulate on top of it, is not.

There is a further consequence, and it runs deeper than any single approval. The co-management boards were established under the Sahtu Agreement and the Mackenzie Valley Resource Management Act precisely to ensure that projects of this kind are assessed comprehensively, and with the Sahtu at the table, to prevent the very fragmentation and exclusion this Project has so far escaped. When an undertaking of this scale advances around those institutions rather than through them, what is on the line is their credibility, and the honour of the Crown that stands behind them. Every fragmented authorization built on the 2014 foundation further erodes the trust those institutions were created to hold trust that is not easily rebuilt once lost. Protecting it is itself a reason to get this right, now.

This is the path that de-risks the Project once and for all, and lets it proceed, if it proceeds, on a foundation that holds. TDLC offers the coordinated path as a partner in getting this right, not as an obstacle, and it is ready to begin immediately. TDLC would far rather build the foundation right, together, and now.

This letter is provided without prejudice to TDLC's rights, interests, and title under the Sahtu Agreement, to the rights of the Tuli't'a and Norman Wells Dene and Metis under section 35 of the Constitution Act, 1982, to the duty of the Crown to consult and, where appropriate, accommodate, and to any other rights or remedies available to TDLC under applicable law, all of which are expressly reserved.

Yours truly,

Louise Beindeer

for: Rocky Norwegian, President
Tulita District Land Corporation

cc: Charles McNeely, Chairperson, Sahtú Secretariat Incorporated ssi.chair@sahtu.ca
Heather Bourassa, Chairperson, Sahtú Land Use Planning Board chair@sahtulanduseplan.org
Sherry Hodgson, President, Tłegóhı̄ Got'ı̄ne Government hci2@theedgenw.ca
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Ian Gibbs, CEO Fireweed Metals Corp. ian@fireweedmetals.com

May 8, 2012

Mr. Ken McKinnon
YESAB
Suite 200-309 Strickland Street
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Subject: Summary of NATC Examination of Mactung Spur Road Option and Decision

Introduction

In 2009, North American Tungsten Corporation Ltd. (NATC) submitted a Project Proposal to YESAB for the MacTung Project, located entirely within Yukon Territory. Using the existing road that is situated in both the Yukon and NWT would require involving a number of NWT regulatory processes which have associated with them a high degree of uncertainty in terms of requirements and timelines, in addition to material issues arising from utilizing the existing road (Spur Road) for purposes of the Mactung Project, described further below. Rather than utilize the existing spur road that passes through the NWT, NATC determined that that a new access road situated solely within the Yukon was the best means to address the issues faced in the NWT. This decision was supported by a Government of NWT letter submitted to YESAB.

In December 2011, YESAB commissioned Hemmera Envirochem Inc. to prepare two reports on the constructability and geotechnical considerations respecting the existing and proposed access routes to the Mactung mine. Concurrently, they initiated "investigations" into the issues raised by both NATC and the Government of the NWT. YESAB's determination was that many of the NWT's regulatory constraints no longer exist, and that they felt that the regulatory process had improved in the intervening years and that it would not be as difficult to obtain permitting to upgrade and utilize the existing spur road.

NATC, in a meeting in January 2012, agreed to carry out an investigation into the NWT access road option and to give it further consideration. This is a summary of the investigation of the various potential aspects of NATC pursuing permitting in the NWT to upgrade, realign and use the Mactung Spur Road as a haul road for the Mactung Project.

1) Sahtu Land Claim Agreement

NATC held community information sessions in Norman Wells and Tulita in February

2012. At that time, the information available was sparse, and it was difficult to determine if the Spur Road was indeed within the Sahtu land claim area, but general maps and information were provided. There was resistance from some citizens to the area as it is a known caribou calving area, as well as traditional hunting territory.

Since these meetings, NATC has undertaken an extensive effort to determine if the existing access road is within the Sahtu Land claim area, and there is conflicting maps and information. The GNWT, Sahtu Land and Water Board (SLWB) and Federal websites and personnel were utilized to obtain a more definitive answer, but, to date, NATC has not been able to confirm with clarity whether the existing road is within the Sahtu land claim area. A SLWB employee suggested retaining a lawyer to investigate and assist in making a determination. Regardless, it was repeatedly stated that this is still in the Sahtu region, and emails have been sent indicating that Sahtu would push for a full environmental assessment and had concerns with the existing road being upgraded and used for the purposes of the Project.

2) Canol Road

This area is currently part of a reserve block that has been set aside in the Sahtu Dene & Metis Comprehensive Land Claim Agreement. It has been difficult to determine if a separate permit would be required to repair the Canol Road within the Crown set-aside for that area. It was also made clear that it would be the NATC's responsibility from the NWT border onwards to maintain the road. In contrast, the Yukon Government has indicated that they would take responsibility for the improvements and maintenance of the Canol Road in Yukon.

3) Mackenzie Valley Land and Water Board

As this NWT access road is located in the Sahtu Region, as well as in both territories, it has been indicated that it would be viewed as is a transboundary project and therefore the MVLWB would be the default board to deal with any application. It has also been stated that it is likely to go to an environmental assessment in the NWT. The EA process in the NWT does not have timelines or processes that provide for a timely review, and if an application went to EA, other experiences indicate that this process could take in excess of three years, thus threatening the viability of the Mactung Project.

It was also indicated that the MVLWB would want to assess the Project in its entirety, not only the access road, therefore adding significantly to the time and cost of the overall Project application. It was not confirmed whether MVLWB would accept YESAB's assessment in lieu of their own, but it appears as though the MVLWB would

require its own assessment. While there is some existing baseline information available, additional studies including heritage, hydrology, wildlife, etc. would need to be completed in order to submit a full application. This would also add additional time and costs to the Project's application process.

4) Water Act

According to the NWT Water Act, Schedule 4 – waterways under 5 metres in width do not require a licence, the current crossing on the spur road is Dale Creek. The crossing at that area may or may not be within 5 metres in width, there is not a definite answer to this at this time, and would need to be assessed during the summer.

5) Caribou

Sahtu residents have stated that this area is a caribou calving area. According to the GNWT, there is little data available, but there is a high probability that some of the Redstone caribou herd may calve in this area.

6) Fish

The current existing road crosses one waterway, known as Dale Creek, and Dolly Varden were found in this stream. Studies were not done on the other waterway that would be impacted by the realignment. The Yukon road option presently has been identified as having poor to moderate fish habitat and only very low numbers of fish were surveyed.

Conclusion:

It is NATC's determination that pursuing permitting for the existing spur road through the NWT would be an exercise fraught with significant uncertainty, significant additional costs and time, and potential outstanding issues of concern, as noted above. The NWT is a challenging regulatory environment within which to work, and given that the mine itself will be situated entirely within the Yukon, the additional time, cost and uncertainty that this creates presents a significant challenge. In short, this along with the time and expense required to develop and submit an application to the MVLWB in the NWT would put the viability of the entire Project at significant risk.

There are no clear indications that the anticipated review and permitting processes in the NWT would or could be completed within the critical time frame required by the company to proceed with the Mactung Project. Therefore, NATC is not considering preparing and submitting an application to the MVLWB for environmental review and permitting of the NWT Spur Road.

May 8, 2012

Given that the Spur Road is not a reasonable option for NATC and given the issues associated with the use of the existing road (and its need to be upgraded), NATC will continue to pursue the approval of the new road within the Yukon which we believe can be designed, constructed and operated in a manner that is sensitive to the environment and the concerns of First Nations.

Sincerely,



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CC: Stephen Leahy NATC
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February 26, 2013

Mr. Ken McKinnon
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Dear Mr. McKinnon,

Re: North American Tungsten Corporation's withdrawal of Proposed New Road Access to the Mactung mine project proposal (File No. 2008-0304)

Dear Mr. McKinnon,

After considerable deliberation, investigation and discussion, NATC has determined that the optimum access to the Mactung Project would be to utilize the existing Spur Road that runs through the Northwest Territories' from the North Canal Road to the mine site.

We appreciate the comments and efforts put forth by all parties to aid us in this decision and look forward to your support, which you have so kindly offered, to assist us in obtaining the necessary permitting in the NWT.

Best Regards,

Original Signed and Mailed

Tracy Thomas
Community and Environmental Affairs