



NAHANNI BUTTE DENE BAND

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Mavis Cli-Michaud, Chair
Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
PO Box 2130, Yellowknife NT X1A 2P6

RE: Closing Argument for Canadian Zinc Corp - Prairie Creek Mine Type A Mining and Milling Renewal Applications - Land Use Permit MV2020D0007, Water Licence MV2020L2-0003

Ms. Cli-Michaud:

The Prairie Creek Mine is in Nahanni Butte's traditional territory. Nahanni Butte is the closest community to the Mine, has the greatest potential for both impacts and benefits from its development, and has been firmly and publicly committed to seeing the Mine built expeditiously and in a responsible way.

The Naha Dehe Dene Band ("NDDB") has actively participated in the review of the Prairie Creek Mine's (the "Mine") Type A Mining and Milling Renewal Applications - Land Use Permit MV2020D0007, and Water Licence MV2020L2-0003. NDDB makes the following Closing Arguments to the Mackenzie Valley Land and Water Board (the "MVLWB" or the "Board"):

Engagement Plan

Part B, Condition 15 of the draft Water Licence and Part C, Condition 46 of the draft Land Use Permit state that an Engagement Plan shall be submitted to the Board for approval "within six months" of the effective date of the licence and permit. NorZinc ("NZC"), on behalf of its subsidiary Canadian Zinc Corp. ("Can Zinc"), submitted an "Engagement Plan - Mine Site" dated May 2020.

The Acho Dene Koe First Nation (“ADKFN”) commented on the draft Water Licence and Permit that there has been a “lack of direct engagement from Can Zinc on technical/permitting matters to date.” ADKFN recommended that “the MVLWB require Can Zinc to collaborate with affected First Nations, like ADKFN, and secure affected First Nations approval of the Engagement Plan prior to submission to the MVLWB and commencing activities authorized by the permit and licence.”

Can Zinc noted in response that the Board has ruled previously (e.g. Sep 2, 2020 MV2020C0008 issuance), “the Board’s regulatory process, including pre-submission engagement and the Online Review System, is the appropriate venue for review and discussion of technical issues”. There is ample evidence in Can Zinc’s Engagement Log and Record, and in the Registry of these proceedings, that ADKFN has been engaged directly in political, business, and technical contexts. ADKFN has provided no evidence that the submitted Engagement Plan is inadequate, nor has it made any specific suggestions on how to improve it.

The Board has stated that its “Engagement Guidelines are based on the premise that the appropriate level of Engagement should reflect the scale, location, and nature of a proposed activity.” In considering the appropriate level of engagement required between Can Zinc and ADKFN, NDDB makes the following observations regarding the location of Can Zinc’s activities proposed under Land Use Permit MV2020D0007 and Water Licence MV2020L2-0003:

- The proposed Mine is located well outside ADKFN’s Asserted Territory.
- ADKFN’s Asserted Territory is upstream of any watercourse that might be affected by discharges from the proposed Mine.
- The proposed All-Season Road to the Mine, approved under Land Use Permit MV2014F0013 and its associated licences, is located entirely within NDDB’s traditional territory.
- The short (approximately 5 km) stretch of the proposed All-Season Road located within ADKFN’s Asserted Territory, located southeast of the Liard River crossing, is less than 10 km from the centre of the community of Nahanni Butte.
- Agreements between NDDB, ADKFN, and Saamba K’e First Nation have acknowledged NDDB’s primary interests in the immediate vicinity of Nahanni Butte, including the area along and North of the Nahanni Butte Access Road.

Recommendation: NDDB recommends that the Board approve Can Zinc’s submitted Engagement Plan concurrent with the issuance of the licence and permit.

Management Plans

Many of the reviewer and proponent comments were connected to submission timelines for management plans, such as the Aquatic Effects Monitoring Program (“AEMP”) Design Plan, the AEMP Annual Report, and the Failure Modes and Effects Analysis.

Can Zinc has repeatedly stated that it plans to substantially revise its development plans for the Mine in a new application to the Board. Given this context, wherever possible the triggers for management plans should be connected to physical construction activities, e.g. “plan X must be approved Y months before activity Z can commence” rather than arbitrary administrative deadlines, e.g. “plan X must be submitted Y months after licence issuance” This will prevent NDDDB and other reviewers from expending time and effort on plans which are unlikely to be put into actual use, and therefore are unlikely to provide any environmental benefit.

Recommendation: The timeline for submission and approval of management plans should be connected to physical construction activities wherever possible.

On behalf of NDDDB, we thank the Board for their prompt attention to this file.

Sincerely,



Chief Darrell Betsaka
Nahanni Butte Dene Band