



7<sup>th</sup> Floor - 4922 48th Street,  
P.O. Box 2130, Yellowknife NT X1A 2P6

Tel: 867-669-0506 Fax: 867-873-6610  
www.mvlwb.com

## Staff Report

<b>Applicant:</b> Canadian Zinc Corporation	
<b>Location:</b> Prairie Creek Mine All Seasons Road – Liard Highway to Prairie Creek Mine, NT	<b>File Number:</b> MV2014L8-0006, MV2019L8-0002, MV2014F0013
<b>Date Prepared:</b> January 24, 2020	<b>Date of Board Meeting:</b> February 7, 2020
<b>Subject:</b> Engagement Plan Version 2	

### 1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) the Engagement Plan Version 2 (V2) submitted by Canadian Zinc Corporation (CZN) to fulfill Permit MV2014F0013, condition 132, Licence MV2014L8-0006 (non-federal lands), Part B condition 21, Licence MV2019L8-0002 (federal lands), Part B condition 21.

### 2. Background

- November 13, 2019 – Issuance of Permit MV2014F0013, Licence MV2014L8-0006, and MV2019L8-0002;
- December 3, 2019 – Engagement Plan V2 received, deemed complete and review commenced;
- December 20, 2019 – Review comment due date extension request received;
- January 10, 2020 – Reviewer comments and recommendations due and received;
- January 17, 2020 – Responses due and received; and
- **February 7, 2020 – Engagement Plan V2 presented to the Board for decision.**

### 3. Discussion

#### Engagement History

The Prairie Creek All Season Road (ASR) Project was subject to Environmental Assessment (EA) EA1415-01, which involved affected Aboriginal parties extensively. On September 12, 2017, the Review Board released its Report of EA and reasons for Decision for the ASR Project. On January 19, 2018, the responsible Ministers sent an Information Request to CZN, which required CZN to provide detailed engagement records after engagement with Nahanni Butte Dene Band (NBDB), Łı́ı́ł ı́ı́Kúé First Nation (LKFN), and Dehcho First Nations (DFN). On June 8, 2018, CZN submitted its response to the responsible Ministers' Information Request. On October 9, 2018, the responsible Ministers adopted the Review Board's recommendations and the Federal Minister noted the following:

The responsible Ministers and I believe that all issues raised relating to potential adverse impacts from the proposed Project on asserted or established Indigenous and/or treaty rights have been meaningfully and completely consulted on.

Following the conclusion of the responsible Ministers’ engagement and consultation in the EA process, the engagement required by the MVLWB is in addition to the consultation and engagement efforts made during the EA process.

On February 20, 2019, CZN submitted an updated Engagement Record and Log with its Post-EA Information Package. The Engagement Record shows engagement details with NBDB and LKFN and covers the time period from January 2018 to January 2019. The record shows the discussions, progress, or results on a Process Agreement for an Environmental Management Agreement (EMA), and a Memorandum of Understanding (MOU) for a Traditional Land Use Agreement (TULA).

After the comment period had closed, on November 5, 2019, the Board received correspondence from the Chief of LKFN, followed by a response from CZN on November 6, 2019. LKFN’s letter provided an update to the Board regarding the status of negotiations between themselves and CZN on an EMA, which is a matter outside of the Board’s regulatory authority and jurisdiction, but does relate to engagement and CZN’s compliance with several EA Measures. LKFN indicated that a final EMA, that would address key concerns including the implementation of a Dene monitoring program, First Nation participation in an environmental management committee, and integration of a Dene land use study, had not yet been signed. However, LKFN did not specifically ask for any relief from the Board, stating that LKFN “wishes to ensure that the relevant regulatory authorities are aware that these areas remain a concern”.

On November 13, 2019, the Board issued Permit MV2014F0013, Licence MV2014L8-0006 (non-federal lands), and MV2019L8-0002 (federal lands) for CZN’s Prairie Creek Mine All Season Road (ASR) Project (attached). The Board decided to accept the late comment letters dated November 5, 2019 and November 6, 2019 from LKFN and CZN, respectively, into the record. The Board noted that the engagement requirements set in the Permit and Licences, specifically the requirement to revise and re-submit the Engagement Plan, would ensure that ongoing consultation and engagement with LKFN occurred. The Board expected the updated Engagement Plan would reflect and address the concerns raised by LKFN regarding cooperation with CZN on settling agreements related to compliance with EA Measures. The Board approved the Engagement Plan as an interim submission and required CZN to submit Version 2 of the Engagement Plan to address Board directives (as shown in Table 1) 90 days prior to commencement of Phase 1 activities. The revised Engagement Plan was to be distributed for review and considered to be approved upon written confirmation from the Board.

**Table 1 – Board directives on Engagement Plan and Record**

Item	Requirements	Review Comment Reference May 15, 2019
a.	Update to include engagement records and engagement plan with Acho Dene Koe First Nation.	ADKFN-3; PC-111
b.	Details of the framework for the Dene monitoring program, in response to Measure 15-4.	LKFN-1
c.	Include details for Dene monitor involvement in the process of monitoring for Seepage along the road (as per the Geochemical Verification Program).	LKDFN-6
d.	Include details for Dene monitoring involvement in borrow investigation.	LKDFN-7

e.	Include details for the identification training and tools for the Dene Monitors to enable them to participate in ongoing monitoring for rare, culturally valued, protected and invasive plant species.	LKFN-8; LKFN-9
f.	Include details for how Łíídlıı Kúé First Nation and Nahanni Butte Dene Band will have the opportunity to review an updated AIA prior to any new land disturbance.	LKFN-11
g.	Update Traditional Knowledge considerations for the Phase 1 winter road in accordance with Measure 10-1 (iii). Provide details of engagement for Plans that incorporated TK, and the mechanism.	PC-9
h.	Update Engagement Records and Engagement Plan to include timeline for negotiation of agreements with Łíídlıı Kúé First Nation and Nahanni Butte Dene Band	PC-109
i.	Explain how Measure 10-2 and Measure 10-1 parts I and ii will be met prior to construction of Phase 1.	PC-112

### Description of Engagement Plan

On December 3, 2019, CZN submitted Version 2 of the Engagement Plan for Board decision. Board staff note that CZN provided a conformity table in its Engagement Plan and Record and addressed the Board directives as shown in Table 1.

### Regulatory Requirements

The Engagement Plan is required to fulfill Permit MV2014F0013, condition 132, Licence MV2014L8-0006, Part B condition 21, Licence MV2019L8-0002, Part B condition 21. The Engagement Plan is also required to fulfill Measure 15-1, 15-4, and Suggestion 15-4 of the Report of EA1415-01. These measures require CZN to incorporate Traditional Knowledge and support Aboriginal monitoring initiatives.

#### Measure 15-1, Part 2:

The developer will engage and consider the advice of Nahanni Butte Dene Band, Liidlii Kué First Nation, and Dehcho First Nations, and consider all available Traditional Knowledge when developing its monitoring programs. To the extent possible, the developer will involve potentially-affected Aboriginal groups, including Nahanni Butte Dene Band, Liidlii Kué First Nation, and Dehcho First Nations, in the implementation of the developer's monitoring programs.

#### Measure 15-4:

To help prevent significant adverse impacts on the environment and on Aboriginal rights, the developer will support, to the greatest extent practicable, independent monitoring of the Project area through monitoring initiatives undertaken by Nahanni Butte Dene Band, Liidlii Kué First Nation, and Dehcho First Nations. The developer will provide access to the All Season Road for these Aboriginal groups to conduct their monitoring activities throughout all phases of the Project, whenever it is safe to do so. The developer will also provide in-kind support for independent community monitors to conduct their monitoring activities (e.g., accommodations, meals, transportation and appropriate safety training to operate on the road).

## **4. Public Review**

By January 10, 2020, comments and recommendations on the Engagement Plan were received from five reviewers:

- Acho Dene Koe First Nation (ADKFN)

- Government of Northwest Territories (GNWT) – Environmental Assessment and Monitoring (EAM)
- GNWT- Department of Lands (Lands) - Dehcho Region
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
- Parks Canada

CZN responded by January 17, 2020. The Review Summary and Attachments (attached) presents the concerns identified through this review.

Board staff note that LKFN did not provide comments on Version 2 of the Engagement Plan. GNWT – ENR, GNWT – Lands Inspector indicated that they did not have comment or recommendations, and CIRNAC suggested a list of acronyms in the Plan would be helpful.

The remaining outstanding items are recommendations provided by Acho Dene Koe First Nation (ADKFN). ADKFN provided several comments on the Engagement Plan V2 (ADKFN 1-8). ADKFN indicated that it wishes to be involved with the Project where its traditional territory is affected. ADKFN provided several recommendations to the Board to require CZN to commit and include the following items in its Engagement Plan, which Board staff summarized below:

- CZN to make best efforts to reach an agreement with ADKFN related to the environmental management of the Project within or affecting ADKFN’s traditional territory;
- CZN to ensure a coordinated, or if appropriate, integrated approach between ADKFN’s environmental management and the Road Oversight Committee, comprised of the Proponent, NDDB and LKFN representatives;
- CZN to ensure ADKFN TK consultants are retained for the purpose of gathering TK within ADKFN’s traditional territory;
- ADKFN Monitors are present in any areas affecting ADKFN’s traditional territory, and are adequately remunerated, trained, and equipped for all monitoring activities;
- CZN to ensure adequate provision of funding to support ADKFN’s engagement, environmental management, implementation, retaining a TK consultant(s), gathering TK, preparing appropriate reports relates to TK, and complete a comprehensive archaeological impact assessment prior to the development of the ASR;
- CZN to ensure avoiding impacts to ADKFN heritage resources; and
- Establish a timeline for negotiations an appropriate agreement with ADKFN.

In response to ADKFN review comments, CZN acknowledged that ADKFN’s traditional territory overlaps with the first few kilometers of the ASR and indicated that CZN is committed to fully engaging with ADKFN to discuss project-related matters and reasonably accommodate ADKFN.

Board staff note that ADKFN’s recommendations to the Board are not requirements of the Engagement Plan, but are more commonly included in benefits agreements that can be negotiated outside of the Board’s process. Such benefits agreements are not a requirement of the Board’s process. With respect to the Engagement Plan submitted by CZN, ongoing engagement with ADKFN is included. Through the Engagement Plan, CZN commits to working with ADKFN on multiple issues such as existing capacity for business, active participation in training and employment programs, collaboration in government funding applications, implementation committees, as well as negotiating a benefits agreement. Board staff recommend the Board encourage CZN to continue engaging with ADKFN to address the unresolved issues.

As per the Board's Engagement and Consultation Policy, a proponent is expected to respond to concerns where it can do so and work with affected parties to jointly resolve such issues. It is expected of the proponent and the affected parties to make best efforts to consider and to mutually agree upon future engagement efforts that are reasonable in consideration of the scope, scale, and context of the Project. The Engagement Plan is a forward-looking document that details the times and approaches to engagement with the appropriate affected party over the life of the authorization.

Regarding ADKFN's comments on the Archeological Impact Assessment (AIA) and protection of ADKFN heritage resources (ADKFN-8), Board staff note that Permit MV2014F0013, conditions 80 and condition 81, state the requirements of AIA requirements and the submission of a Cultural Heritage Protection Plan. These submissions are currently being reviewed by the Prince of Wales Northern Heritage Centre and Parks Canada as the Cultural Heritage Protection Plan is required to be informed by the AIA. As the Cultural Heritage Protection Plan requires Board approval, ADKFN will have an opportunity to comment on the Cultural Heritage Protection Plan when CZN submits the plan for review.

## 5. Conclusion

Board staff conclude that the Engagement Plan, as submitted, is in conformity with Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* guidelines and the requirements of Permit MV2014F0013, condition 132, Licence MV2014L8-0006, Part B condition 21, Licence MV2019L8-0002, Part B condition 21 and can be approved.

## 6. Recommendation

Board staff recommend the Board **make a motion to approve the Engagement Plan Version 2** as required by Land Use Permit MV2014F0013, condition 132, Water Licence MV2014L8-0006, Part B condition 21, Water Licence MV2019L8-0002, Part B condition 21.

A draft decision letter is attached.

## 7. Attachments

- [Engagement Plan Version 2](#)
- Review Summary and Attachments
- [Land Use Permit MV2014F0013](#)
- [Water Licence MV2014L8-0006](#)
- [Water Licence MV2019L8-0002](#)
- Draft Decision Letter from the Board

Respectfully submitted,



Jacqueline Ho  
Regulatory Specialist



Kim Murray  
Regulatory Specialist

## Review Comment Table

<b>Board:</b>	MVLWB
<b>Review Item:</b>	Canadian Zinc Corporation - Prairie Creek All Season Road Project - Engagement Plan (MV2014F0013; MV2014L8-0006; MV2019L8-0002; PC2014F0013; and PC2014L8-0006)
<b>File(s):</b>	<a href="#">MV2014F0013</a> <a href="#">MV2014L8-0006</a> <a href="#">MV2019L8-0002</a> <a href="#">PC2014F0013</a> <a href="#">PC2014L8-0006</a>
<b>Proponent:</b>	CanZinc Corporation
<b>Document(s):</b>	<a href="#">CZN - Prairie Creek All Season Road Project - Engagement Plan V2</a> (392 KB)
<b>Item For Review Distributed On:</b>	Dec 3 at 11:34 <a href="#">Distribution List</a>
<b>Reviewer Comments Due By:</b>	Jan 10, 2020
<b>Proponent Responses Due By:</b>	Jan 17, 2020
<b>Item Description:</b>	<p>December 20, 2019 update: reviewer has asked for an extension for the Reviewer Comment End Date until <b>January 10, 2020</b>. The Proponent Responses End Date has been changed to <b>January 17, 2020</b>.</p> <p>Canadian Zinc Corporation (CZN) has submitted Version 2 of its Engagement Plan on December 3, 2019 for the Prairie Creek All Season Road Project. This Plan is required by the following authorizations under the Mackenzie Valley Land and Water Board's (MVLWB's) jurisdiction: Permit MV2014F0013, condition 132, Licence MV2014L8-0006 (non-federal lands), Part B condition 21, Licence MV2019L8-0002 (federal lands), Part B condition 21. This Plan is required by the following authorizations under Parks Canada jurisdiction (lands within Nahanni National Park Reserve): Permit PC2014F0013, condition 131, Licence PC2014L8-0006, Part B condition 21.</p> <p><b>Reviewers are invited to submit comments and recommendations using the Online Review System (ORS) by the review comment deadline specified below. Please note that both Parks Canada and the Board are using the ORS to gather comments, therefore all comments will be considered by both jurisdictions at the same time. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the proponent prior to submitting comments and recommendations.</b></p> <p><b>Reviewers may also wish to consider providing an overarching recommendation regarding whether they are in support of the submission to provide context for comments and recommendations and to assist the Board with its decision.</b></p> <p>The document that has been uploaded to this review is also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact the Board staff or Parks Canada staff identified below.</p>

	<p>Jaqueline Ann Ho, Regulatory Specialist, MVLWB</p> <p>Telephone: (819) 766-7455 Email: jho@mvlwb.com</p> <p>Kimberley Murray, Regulatory Specialist, MVLWB</p> <p>Telephone: (819) 766-7458 Email: kmurray@mvlwb.com</p> <p>Allison Stoddart, Environmental Assessment Specialist, Parks Canada</p> <p>Telephone: (819) 420-9188 Email: Allison.stoddart@canada.ca</p>
<b>General Reviewer Information:</b>	This review item has also been distributed by fax to Fort Simpson Métis Local #52 Marie Lafferty President (867) 695-2040.
<b>Contact Information:</b>	<p>Jacqueline Ho 867-766-7455</p> <p>Kim Murray (867) 766-7458</p>

### Comment Summary

Acho Dene Koe First Nation: Julie Swinscoe				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
1	1. Location of project and engagement requirements	<p><b>Comment</b> Please note that due to the holiday office closure and staff vacation schedules, Acho Dene Koe First Nation (ADKFN) is responding outside of its typical, preferred format for this one-time tabled response format. A portion of Canadian Zinc Corporation's (CZN) proposed Prairie Creek Mine All Season Road (ASR) and Phase 1 Winter Road (including the Pioneer Winter Road adjusted portion) passes through ADKFN territory. ADKFN has traditional use areas in and around the ASR.</p> <p><b>Recommendation</b> ADKFN seeks to be fully engaged and involved in the road management and decision-making where its traditional territory is affected or potentially affected by the roads and the associated mine (the Project).</p>	<p><b>Jan 15:</b> We note that ADK advised that their 'overlapping' territory encroaches on the first few kilometres of the proposed ASR alignment from the Nahanni Butte access road. CZN is committed to fully engaging with ADKFN on all project-related matters.</p>	Noted.
2	2. Location of project and engagement requirements	<p><b>Comment</b> Note that although the scope of the Revised Engagement Plan (the Engagement Plan) is limited to the roads, ADKFN considers the road and mine to be inexorably linked. ADKFN has made this position clear in previous referrals associated with the Project, and has noted that among other concerns, the transportation trucks will travel via the Liard Highway where the</p>	<p><b>Jan 15:</b> Noted.</p>	Noted.

		<p>terminus of the ASR and Winter Road connect. The Liard Highway bisects the entirety of ADKFNs traditional territory in the NWT and BC.</p> <p><b>Recommendation</b> Where ADKFN’s traditional territory may be affected by the roads, ADKFN wishes to be involved in road management and decision-making activities such as: pre-construction planning, the review of management and monitoring plans, the implementation of various measures recommended by the MVLWB, the sharing and incorporation of ADKFN’s knowledge and values into Project design, and the independent monitoring of the environment and wildlife.</p>		
3	3. Engagement requirements and confirmations	<p><b>Comment</b> While discussions between ADKFN and CZN, or through its subsidiary Nor Zinc, (collectively, the Proponent) have commenced regarding an Impact Benefit Agreement or other related agreement, there are currently no such agreements in place. Accordingly, potential infringements to ADKFN’s Aboriginal and Treaty rights have not been accommodated by the Proponent. Further, there are no provisions for community liaison positions, management, oversight or monitoring by ADKFN for the portions of the Project that affects ADKFN’s traditional territory in the Engagement Plan.</p> <p><b>Recommendation</b> ADKFN requests the MVLWB to ensure the Engagement Plan includes: a. accommodation of ADKFN’s Aboriginal and Treaty rights affected by the Project. b. Confirmation that ADKFN is engaged as a community liaison, and in the management, oversight and monitoring of the Project where it impacts or potentially impacts ADKFN’s traditional territory, c. adequate provision of funding by the Proponent to support ADKFN’s involvement in these activities over the life of the Project; and d. a timeline for negotiations of an appropriate agreements with ADKFN.</p>	<p><b>Jan 15:</b> CZN is committed to fully engaging with ADKFN on all project-related matters and to argeeing to reasonable accommodations.</p>	<p>Board staff recommend the Board encourage CZN to continue engaging with ADKFN to address the unresolved issues, and direct CZN to provide updates to the engagement process with ADKFN in the annual reports as required in Licence MV2014L8-0006 and MV2019L8-0002 Part B, condition 19, and MV2014F0013 Condition 17.</p>

4	4. Agreements and Funding	<p><b>Comment</b> As set out in Section 1.0 of the Engagement Plan, the Proponent agreed to negotiate an Environmental Management Agreement (EMA) with the NDDB and LKFN to provide for the participation of the First Nations in all aspects of the access road, including independent Dene monitoring. The Proponent has not agreed to or reached an agreement with ADKFN with respect to the environmental management where the Project, including portions of the ASR, affects or potentially affects its traditional territory.</p> <p><b>Recommendation</b> ADKFN requests the MVLWB to ensure that the Engagement Plan requires the Proponent to: a. make best efforts to reach an agreement with ADKFN related to the environmental management of the Project within or affecting ADKFN's traditional territory; b. ensure that the Proponent's Engagement Plan includes adequate provision of funding by the Proponent to support ADKFN's engagement and environmental management and implementation; and c. establish a timeline for negotiations an appropriate agreement with ADKFN.</p>	<p><b>Jan 15:</b> The negotiation of an EMA with the NDDB and LKFN was agreed in order to address certain measures contained in the Report of EA. CZN is committed to fully engaging with ADKFN on all project-related matters and to agreeing to reasonable accommodations..</p>	<p>See Board staff analysis to ADKFN-3.</p>
5	5. Road Oversight Committee	<p><b>Comment</b> As set out in Section 2.2 of the Engagement Plan, the Proponent has or will establish a Road Oversight Committee (ROC), composed of the Proponent, NDDB and LKFN representatives. To date, the Proponent has not requested ADKFN participate in the ROC, or a similar process to oversee the portions of the roads affecting or potentially affecting ADKFN's traditional territory.</p> <p><b>Recommendation</b> ADKFN wishes to ensure a coordinated and harmonized environmental management of the Project, including in areas of asserted overlapping territory. ADKFN requests the MVLWB to ensure that the Engagement Plan requires the Proponent to: a. ensure a coordinated, or if appropriate, integrated approach between ADKFN's environmental management and the ROC, comprised of</p>	<p><b>Jan 15:</b> We note that ADK advised that their 'overlapping' territory encroaches on the first few kilometres of the proposed ASR alignment from the Nahanni Butte access road. CZN is committed to fully engaging with ADKFN on all project-related matters and to agreeing to reasonable accommodations.</p>	<p>See Board staff analysis to ADKFN-3.</p>

		the Proponent, NDDB and LKFN representatives, b. ensure adequate provision of funding by the Proponent to support ADKFN's oversight related to environmental management and implementation; and c. establish a timeline for negotiations and appropriate agreement with ADKFN.		
6	6. ADKFN as Dene Monitor	<p><b>Comment</b> ADKFN wishes to have an ADKFN Monitor(s) present during any activities that may affect ADKFN's traditional territory, which would be consistent with the Type of Work set out in section 2.3.2 of the Engagement Plan.</p> <p><b>Recommendation</b> ADKFN wishes to ensure it will have a monitor present whenever there are activities or potential activities affecting ADKFN's traditional territory. ADKFN requests the MVLWB to ensure that the Engagement Plan requires the Proponent to commit to the following: a. ADKFN Monitors are present in any areas affecting ADKFN's traditional territory; b. ADKFN Monitors are adequately trained and equipped for all monitoring activities; c. ADKFN Monitors are adequately remunerated for their monitoring activities; and d. a timeline for negotiations of an appropriate agreements with ADKFN.</p>	<p><b>Jan 15:</b> We note that ADK advised that their 'overlapping' territory encroaches on the first few kilometres of the proposed ASR alignment from the Nahanni Butte access road. CZN is committed to fully engaging with ADKFN on all project-related matters and to agreeing to reasonable accommodations.</p>	See Board staff analysis to ADKFN-3.
7	7. Incorporation of TK and TK Consultants	<p><b>Comment</b> Regarding the integration of traditional knowledge (TK) and Dene Knowledge, section 2.6 of the Engagement Plan states that the EMA parties, which includes the Proponent, NDDB and LKFN, agreed that the Proponent would fund the appointment of TK consultants to acquire and assist with the application of relevant TK to the project. Steps were taken to reach agreement on a multi-year EMA implementation budget. With respect to ADKFN, no funding has been agreed on to support the appointment of TK consultants to acquire and assist with the application of relevant TK to the project within ADKFN's traditional territory.</p> <p><b>Recommendation</b> ADKFN wishes to ensure it will be able to retain TK consultants and to gather TK related to</p>	<p><b>Jan 15:</b> Re incorporation of Dene knowledge, we refer to our letter to ADKFN dated Sep 30, 2019 which responded to ADKFN's draft permit comments. We note that ADKFN advised that their 'overlapping' territory encroaches on the first few kilometres of the proposed ASR alignment from the Nahanni Butte access road. Our letter also notes that an exercise is already underway to accumulate and incorporate additional TK into plans for Phase 2, and that CZN is amenable to further engaging with ADKFN to agree a suitable process for</p>	See Board staff analysis to ADKFN-3.

		<p>the Project within its traditional territory. ADKFN requests the MVLWB to ensure that the Engagement Plan requires the Proponent to: a. ensure ADKFN TK consultants are retained for the purpose of gathering TK within ADKFN's traditional territory; b. provide adequate and multi-year funding to ADKFN for the purpose of retaining a TK consultant(s), gathering TK, and preparing appropriate reports relates to TK; and c. establish a timeline for negotiations of an appropriate agreements with ADKFN.</p>	<p>acquiring and including ADKFN's TK in this exercise.</p>	
8	<p>8. Archaeological Impact Assessments</p>	<p><b>Comment</b> Section 2.7 of the Engagement Plan discusses archaeological impact assessments. Comprehensive archaeological impact assessments associated with the Project have not been completed by ADKFN within ADKFN's traditional territory. ADKFN has previously responded to archaeological impact assessments through NWT Arch Permit 2019-016.</p> <p><b>Recommendation</b> ADKFN wishes to ensure that its archaeological sites are not disturbed or affected by any potential Project-related activities within ADKFN's traditional territory. To do so, ADKFN wishes to conduct a comprehensive archaeological impact assessment prior to the development of the ASR within its Traditional Territory. ADKFN requests the MVLWB to ensure the Proponent will: a. provide ADKFN with adequate funding to complete a comprehensive archaeological impact assessment prior to the development of the ASR. This archaeological impact assessment should incorporate ADKFN's TK, as referred to above. b. the Proponent to provide ADKFN with adequate funding to complete a comprehensive archaeological impact assessment; c. ensure that the Proponent will engage with ADKFN to avoid impacts to ADKFN heritage resources; and d. establish a timeline for negotiations of an appropriate agreements with ADKFN.</p>	<p><b>Jan 15:</b> We refer to our letter to ADKFN dated Sep 30, 2019 which responded to ADKFN's draft permit comments. We note that ADKFN advised that their 'overlapping' territory encroaches on the first few kilometres of the proposed ASR alignment from the Nahanni Butte access road. ADKFN's concerns with respect to winter road construction over those few kilometres were: 1. information on any muskeg that might be disturbed; 2. that construction occur in a manner that minimizes risks to archaeological or sensitive sites; and, 3. that tree clearing minimizes disturbance to landforms. CZN confirmed that winter road construction within the noted few kilometres referred to as ADKFN overlapping territory will not disturb muskeg. In addition, winter road construction seeks to minimize disturbance to the ground, and this includes cutting trees at their base and leaving stumps intact, rather than clearing that could disturb landforms. Therefore, the proposed construction will minimize risks to</p>	<p>Board staff note that the Archaeological Impact Assessment will be reviewed and approved by Prince of Wales Heritage Centre, and the Cultural Heritage Protection Plan will be distributed for review and brought to the Board for decision. ADKFN will have an opportunity to comment on the Cultural Heritage Protection Plan when submitted.</p>

			archaeological or sensitive sites, should they be present. Our Sep 30 letter also notes that an exercise is already underway to accumulate and incorporate additional TK into plans for Phase 2, and that CZN is amenable to further engaging with ADKFN to agree a suitable process for acquiring and including ADKFN's TK in this exercise.	
<b>GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT</b>				
<b>ID</b>	<b>Topic</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Staff Analysis</b>
1	General File	<b>Comment</b> ( <a href="#">doc</a> ) ENR Letter - No Comment or Recommendations at this time. <b>Recommendation</b>		Noted.
<b>GNWT - Lands - Dehcho Region: Danielle Rogers</b>				
<b>ID</b>	<b>Topic</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Staff Analysis</b>
1	Engagement Plan	<b>Comment</b> Inspectors from the Department of Lands reviewed the submission and do not have any comments at this time <b>Recommendation</b> N/A		Noted.
<b>INAC - Yellowknife: Dinah Elliott</b>				
<b>ID</b>	<b>Topic</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Staff Analysis</b>
1	Engagement Plan V2	<b>Comment</b> CIRNAC Environment has reviewed the submission. <b>Recommendation</b> An acronym/definition list in future versions would improve the document.	<b>Jan 15:</b> Noted.	Noted.
<b>Parks Canada: Audrey Steedman</b>				
<b>ID</b>	<b>Topic</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Staff Analysis</b>
1	Engagement Plan-Dene Monitors	<b>Comment</b> Section 2.3.3 of the Engagement Plan indicates that the role of Dene Monitors will include a range of skills including: observing construction, checking adherence to management and monitoring plans, monitoring road access, logging wildlife sightings and the presence of bear dens and/or raptor nests, monitoring the geotechnical investigation work program, including efforts to minimize disturbance, and replacing soils in test pits. This level of monitoring will require a broad range of skill requirements.	<b>Jan 15:</b> These requirements are addressed in the Design and Construction Plan, and other plans. We don't think they are an appropriate subject for the Engagement Plan. DM's will be monitoring water quality, after winter road decommissioning, during Phase 1.	Board staff agrees with CZN regarding placing training requirements within specific plans where Dene monitoring is required.

		<b>Recommendation</b> Indicate the specific training requirements to ensure DM's are able to provide this range of service within the phase 1 monitoring program timeline. Indicate if DM's will be monitoring water quality for phase 1.		
2	Engagement Plan-TK	<p><b>Comment</b> Section 2.6 of the Engagement Plan indicates that "LKFN considered that their TK database for the ASR was lacking." As a result, a consultant was hired and "the next step is for Thorpe to integrate the two TK sources and assist with its application to the Phase 2 ASR". It is not clear why the lacking TK would not also apply to Phase 1 of the project.</p> <p><b>Recommendation</b> Indicate why this additional TK is not relevant to Phase 1 of the project.</p>	<p><b>Jan 15:</b> At a meeting of the EMA participants, it was agreed that existing TK was sufficient to address and consider the Phase 1 WR. It was also agreed that the additional TK collection would proceed in parallel with Phase 1, and be applied to the Phase 2 ASR, a much more extensive development.</p>	Noted.



January 9, 2019

Jacqueline Ho  
Regulatory Specialist  
Mackenzie Valley Land and Water Board  
7<sup>th</sup> Floor – 4910 50<sup>th</sup> Avenue  
P.O. Box 2130  
Yellowknife, NT  
X1A 2P6

Dear Ms. Ho,

**Re: Canadian Zinc Corp. (CZN)  
Water Licences – MV2014L8-0006 MV2014F0013 MV2019L8-0002  
PC2014F0013 PC2014L8-0006  
Engagement Plan Version 2.0  
Request for Comment**

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories has received the plan at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act* and has no comments or recommendations for the consideration of the Board at this time.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email [patrick.clancy@gov.nt.ca](mailto:patrick.clancy@gov.nt.ca).

Sincerely,

Patrick Clancy  
Environmental Regulatory Analyst  
Environmental Assessment and Monitoring Section  
Environmental Stewardship and Climate Change Division  
Department of Environment and Natural Resources  
Government of the Northwest Territories