



Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

Staff Report

Applicant: Canadian Zinc Corporation	
Location: Liard Highway to Prairie Creek Mine	File Number: MV2014F0013, MV2014L8-0006 & MV2019L8-0002
Date Prepared: July 29, 2019	Date of Board Meeting: August 8, 2019
Subject: Prairie Creek All Season Road Project – Independent Technical Review Panel Composition	

1. Purpose

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board) a request for Board approval of members of an Independent Technical Review Panel (ITRP) as proposed by Canadian Zinc Corporation (CZN) for the Prairie Creek All Season Road (ASR) Project (MV2014F0013, MV2014L8-0006 and MV2019L8-0002). The purpose of the ITRP is to evaluate and approve the final road design for the ASR and is required to fulfill Measure 5-1, Part 3 of the Report of Environmental Assessment (EA1415-01).

2. Background

- April 23, 2014 – Applications received for Land Use Permit MV2014F0013 (Permit) and Water Licence MV2014L8-0006;
- May 22, 2014 – the Board referred CZN’s Applications to the Mackenzie Valley Review Board (the Review Board) for an Environmental Assessment (EA);
- September 12, 2017 – the Review Board released its Report of EA and Reasons for Decision;
- October 9, 2018 – the Minister of Crown-Indigenous Relations, with concurrence from all responsible ministers, provided approval of the EA;
- October 9, 2018 – Board staff and Parks Canada jointly issued a letter to CZN outlining the requirements for a Post-EA Information Package;
- February 20, 2019 – CZN submitted a Post-EA Information Package to the Board and Parks Canada;
- March 12, 2019 – Post-EA Information Package deemed complete and review commenced;
- April 24, 2019 – Reviewer comments and recommendations due and received;
- May 15, 2019 – CZN responses due and received;
- June 5-7, 2019 – Technical Session held by Board staff and Parks Canada in Yellowknife, NT;
- June 11, 2019 – Information Requests (IRs) generated from the Technical Session were distributed;
- June 25, 2019 – Responses to IRs received;
- July 12, 2019 – Parks Canada recommended a 4th panel member (either David J. Watt or Jason Paquette) and CZN agreed;

- July 23, 2019 – CZN confirmed that David J. Watt would be the 4th panel member; and
- **August 8, 2019 – Request presented to the Board to consider the proposed members of the ITRP, for decision.**

3. Discussion

Project History

In 2014, CZN applied for a new type A Land Use Permit MV2014F0013 and a new type B Water Licence MV2014L8-0006 for construction of a permanent All Season Road (ASR) between the Liard Highway and the Prairie Creek Mine (attached). At the time of submittal, CZN had indicated in their covering letter that they expected the Applications to be referred to EA. The public review of the Applications resulted in several letters supporting CZN's request to have the project referred to EA (attached). The Board referred the Applications to the Review Board for EA on May 22, 2014 (attached).

On September 12, 2017, the Review Board released its Report of EA and Reasons for Decision (attached). The Review Board recommended to the Minister that, pursuant to sub-paragraph 128(1)(b)(ii) of the *Mackenzie Valley Resource Management Act* (MVRMA), the EA and Reasons for Decision be approved subject to the implementation of the measures and CZN's commitments (attached). The Review Board recommended 16 measures in the Report of EA. Specifically, one of the measures of the Report of EA requires CZN to create an Independent Technical Review Panel (ITRP), to ensure that the road is designed to a standard that is highly protective of people and the environment.

On October 9, 2018 the Minister of Crown-Indigenous Relations, with agreement from all responsible ministers, adopted the recommendation of the Review Board, according to sub-paragraph 130(1)(b)(i) of the MVRMA (attached). The Ministers' decision was made after consideration of the Report of EA, as well as concerns and views expressed in correspondence from affected and involved parties made from October 5, 2017 until July 4, 2018. This included CZN's response to an Information Request stating that the company is negotiating an Environmental Management Agreement to address concerns of the Indigenous Governments and Organizations with regards to the Prairie Creek All Season Road project.

The ASR will allow for year-round transport of concentrates from Prairie Creek Mine to market, and delivery of operating supplies to Prairie Creek Mine. It will cross non-federal land, federal land (administered by Indian Affairs Branch), and lands within Nahanni National Park Reserve (NNPR) (administered by Parks Canada, under the *Canada National Parks Act*). As the section of the ASR that the Board regulates is split interest, three authorizations are required: two water licences (for IAB and non-federal lands), and one land use permit (for both types of lands).

On October 9, 2018 Board staff and Parks Canada jointly issued a letter to CZN outlining requirements for a Post-EA Information Package (attached). CZN's Post-EA Information Package is required to fulfill section 72.1 of the MVRMA, section 72.1 of the MVLUR, and section 41.1 of the *Canadian National Parks Act* within Nahanni National Park Reserve. Parks Canada does not have a regulated timeline for issuing a water licence, however the Board must make a decision on a type B water licence application within a period of 9 months as per 72.18 or 72.19 of the MVRMA. Although Parks Canada does not have a regulated timeline, Board staff and Parks Canada are working together on the issuance of all permits and licences associated with the CZN ASR and are attempting to align the timelines of the regulatory proceedings.

CZN submitted its Post-EA Information Package on February 20, 2019, which Board staff and Parks Canada jointly deemed complete and distributed for review on March 12, 2019. The Post-EA Information Package submitted by CZN included various plans, programs, reports, maps and design drawings for the construction, operation, maintenance and closure of the Prairie Creek All Season Road Project (attached).

Reviewers comments and recommendations were received on the Post-EA Information Package April 24, 2019 and CZN responded on May 15, 2019. A Technical Session was held in Yellowknife from June 5-7, 2019 to discuss issues raised by reviewers during the review (see attached agenda). The technical session resulted in 11 Information Requests (IRs) to CZN, and one IR directed to both the Government of the Northwest Territories (GNWT) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). The IRs were distributed on June 11, 2019 (attached).

Description of Measure 5-1 – the Requirements of Independent Technical Review Panel

Measure 5-1 of the Report of EA and Reasons for Decision requires CZN to establish and fund an Independent Technical Review Panel (IRTP) to evaluate and approve the final road design. This measure has several parts.

According to Measure 5-1, Part 2, the Panel mandate will include a consideration of:

- i. the number and type of mine and non-mine related vehicles expected to use the road;
- ii. two-way traffic;
- iii. human safety and minimizing traffic related accidents;
- iv. permafrost degradation and impacts on water quality; and,
- v. appropriate road design criteria, including but not limited to:
 - o watercourse crossings;
 - o right of way clearing width;
 - o road alignment, grades, subgrade width, and road widening at curves;
 - o cut and fill slopes, cut and fill slope angles, slope stability; and
 - o number of, and distance between pullouts.

Measure 5-1, Part 3: Panel composition states that:

At a minimum, the panel will be comprised of three members who are professional engineers and geoscientists. The panel must have expertise in northern road design, including permafrost and mountainous terrain experience. Members of the panel will have knowledge and experience to appropriately address the mandate in Measure 5-1 part 2 and consideration in Measure 5-1 part 5. CanZinc will engage with Parks Canada, the Mackenzie Valley Land and Water Board, the Government of the Northwest Territories, Nahanni Butte Dene Band, Liidlii Kué First Nation, and Dehcho First Nations on the panel composition. Members of the panel will be independent and will be approved by the Mackenzie Valley Land and Water Board and Parks Canada.

The Panel composition could be approved by the Board prior to the licences and permit being issued for the ASR, as per Measure 5-1, Part 4: Panel activities and timing, that states that the “panel will be established prior to detailed design of the road”.

Description of the Proposed Independent Technical Review Panel

As per the Measure 5-1, CZN provided proposed members for the ITPR in its Post-EA Information Package dated February 20, 2019 (attached). CZN proposed nine candidates including David Watt, Ryan Weymark, Nick Bevington, Daryl Salanski, Michael Hartley, Jim Oswell, Robert Johnson, Timothy Smith, and John Murray. CZN also provided the proposed candidates' Curriculum Vitae (CV) for review (attached).

Engagement

CZN submitted an [Engagement Record, Log, and Plan](#) with the Post-EA Information Package. The Engagement Log includes Post-EA engagement between CZN and Naha Dehe Dene Band (NDDB), Liidlii Kué First Nation (LKFN) and Dehcho First Nations (DFN) from 2018 until when the Post-EA Information Package was submitted. Further details of CZN's engagement since the EA are outlined in section 7.1 of the [Post-EA Information Package and Updated Project Description \(Main Report\)](#), including details of engagement with Acho Dene Koe First Nation (ADKFN).

The Engagement Plan included information about CZN's agreement 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 Project, including independent Dene monitoring of the environment and wildlife. The Engagement Plan also described the Traditional Land Use Agreement (TLUA) that was signed between CZN and NDDB on January 15, 2019; the framework includes an agreement that preference for training, employment, business contracts, and community capacity programs will be available to NDDB. The Engagement Plan indicated that CZN is negotiating a Road Benefit Agreement (RBA) with LKFN.

4. Public Review

By April 24, 2019, comments and recommendations on the entire Post-EA Information Package were received from 17 reviewers:

- Acho Dene Koe First Nation
- Dehcho First Nations
- Environment and Climate Change Canada
- Fisheries and Oceans Canada
- GNWT – Education, Culture and Employment
- GNWT – Environment and Natural Resources
- GNWT – Lands – Dehcho Region (Inspector)
- GNWT – Lands – North Slave Region (Regional Superintendent)
- GNWT – Lands – North Slave Region
- GNWT – Lands – Securities and Project Assessment
- Indigenous and Northern Affairs Canada (INAC) – NWT Inspector
- INAC – Yellowknife
- Liidlii Kué First Nation (Fort Simpson)
- Mackenzie Valley Environmental Impact Review Board
- MVLWB staff
- Parks Canada
- Racher Consulting (on behalf of LKFN and NDDB)

CZN responded by May 15, 2019. Specific comments and recommendations on the ITRP composition were submitted by three reviewers: DFN, Parks Canada, and Racher Consulting (on behalf of LKFN and NDDB).

The Review Summary and Attachments (attached) presents the comments which specifically address the composition of the ITRP.

Dehcho First Nations commented that they agreed with LKFN and NDDB's recommendations for the appointment to the ITRP (comment ID: 7). The comments from Racher Consulting (comments on behalf of LKFN and NDDB), stated that they were comfortable with four of the potential candidates, including: Jim Oswell, Michael Hartely, Timothy Smith and Robert Johnston (comment ID: 27) (see ITRP candidate's CVs, attached). CZN responded that they agreed with Jim Oswell and Timothy Smith being on the ITRP. Jim Oswell is a professional engineer with permafrost experience and Timothy Smith is a senior engineering geologist with experience in slope design and slope and terrain stability assessment. CZN also stated that a road engineer would have to be selected from Michael Hartley, Robert Johnson and Daryl Salanski.

Parks Canada commented that CZN clarify next steps and the timeline for establishing the ITRP in accordance with Measure 5-1, Part 3 from the EA (comment ID: 15). CZN replied that they hope to agree on the ITRP composition at the Technical Session so that they can engage with the ITRP members and provide information about the ASR, including a scope and schedule for the panel members and parties to comment on.

During the Technical Session, the composition of the ITRP was discussed (see attached transcript dated June 5, 2019, page 121, line 5 to page 129 line 22), and reviewers had the opportunity to comment further on the panel composition. Reviewers agreed that Jim Oswell and Timothy Smith be members of the ITRP and agreed that if CZN had a conversation with the additional candidates (Michael Hartley, Daryl Salanski and Robert Johnson) they would be comfortable with agreeing to CZN's recommendation for the third member. From the discussion, an IR was generated (IR 4) that read "CZN to provide final proposed candidates for the ITRP for Board and Parks Canada approval".

In CZN's response to IR 4 (attached), CZN indicated they had interviewed Daryl Salanski and Robert Johnson, but could not reach Michael Hartley, who is retired. CZN proposed Robert Johnson (civil engineer) to be the third ITRP member, as he has experience with GNWT Department of Transportation and with design, construction and logistics for northern roads, whereas Daryl Salanski's experience is primarily in cost estimating and he has no road design experience.

When CZN's response to IR 4 was received by the Board, the [email](#) that was sent to the distribution list by Board staff stated that if reviewers had any concerns with CZN's recommended Panel appointees, they could contact Board staff by July 4, 2019. Only one response was received by the GNWT – Lands – Securities and Project Assessment, who stated that they had no concerns with the ITRP members proposed by CZN (Timothy Smith, Robert Johnson, Jim Oswell).

5. Comment

On July 12, 2019, Parks Canada notified Board staff that it has recommended adding a fourth panel member to the ITRP as Parks Canada believe the panel require more operational expertise (attached). CZN responded on the same day agreeing to include an additional panel member. Parks Canada and CZN both indicated that they agree that the fourth member could be either David Watt (originally proposed by CZN in the Post-EA Information Package dated Feb 20, 2019), or Jason Paquette (new candidate proposed by Parks Canada), as they both have road operational expertise. On July 23, 2019 CZN confirmed that David J. Watt would be the final ITRP member (attached).

6. Conclusion

Board staff are of the opinion that reviewers are satisfied with appointing Timothy Smith, J.M. (Jim) Oswell, Robert E. Johnson, and David J. Watt as members of the ITRP for CZN's Prairie Creek All Season Road, and that appropriate engagement on the panel composition occurred between CZN and Parks Canada, the Board, the GNWT, NDDDB, LKFN, and DFN as per Measure 5-1, Part 3 of EA1415-01.

In their [July 12, 2019 letter](#) Parks Canada stated that they approve the three appointees to the panel (Timothy Smith, J.M. Oswell, and Robert E. Johnson) and the additional panel member (David Watt) pursuant to Measure 5-1 of the Report of EA.

Board staff conclude there are no outstanding issues or concerns with this Request.

7. Recommendation

Board staff recommend the Board **make a motion to approve the members of the Independent Technical Review Panel proposed by CZN for the Prairie Creek All Season Road Project, including Timothy Smith, J.M. (Jim) Oswell, Robert E. Johnson, and David J. Watt.**

A draft decision letter is attached.

8. Attachments

- [Applications for Land Use Permit and Water Licence \(2014\)](#)
 - [Staff report including Review Summary and Attachments](#)
- [Applications referral to EA](#)
- [The Review Board Report of Environmental Assessment and Reasons for Decision](#)
- [The Review Board Recommendation to Minister](#)
- [Minister Decision on EA Oct 9, 2018](#)
- [Post-EA Information Package Requirements](#)
- [Post-EA Application Package¹](#)
 - [CVs of CZN's Proposed Members for the ITRP](#)
 - [Engagement Record, Log, and Plan](#)
- [Agenda for technical session held in Yellowknife June 5-7, 2019](#)
- [Information Requests from the technical session](#)
- Review Summary for comments about ITRP

¹ The Post-EA Information Package includes: Post-EA Information Package and Updated Project Description (Main Report); Access Road Maps; Draft Road Construction Management Plan; Land Use Permit (proposed by CZN); Non-Typical Winter Road Section Design Drawings; All Season Road Design Drawings; Stream Crossing General Arrangement Drawings; Stream Crossing Hydrology Data; Summary of Minor Stream Crossings; Borrow Pit Management and Reclamation Plan; Borrow Pit Information; Construction Camp Layout Drawings; Studies to Date; Hoverbarge Details; Liard River Crossing Drawings; Updated Commitments Table; Technical Review Panel Candidate CVs; Traffic Control Mitigation and Management Plan; Wildlife Management and Monitoring Plan and Data Report; Engagement Record, Log, and Plan; Preliminary AIA Summary; Invasive Species Management Plan and Data Report; Rare Plant Management Plan and Data Report; Permafrost Management Plan and Permafrost Geotechnical Investigation Data Report; Road Closure and Reclamation Plan; Waste Management Plan; Geochemical Verification Program; Sediment and Erosion Control Plan; Road Operations and Maintenance Plan; Explosives Management Plan; Spill Contingency Plan; Health, Safety and Emergency Response Plan; Avalanche Hazard and Safety; RECALIM Cost Estimate (non-federal lands); RECLAIM Cost Estimate (IAB Federal Lands); and RECLAIM Cost Estimate (Parks).

- [Technical session transcript June 5, 2019](#)
- [CZN response to technical session IRs](#)
- [Correspondence Re 4th Panel Member July 12, 2019](#)
- [Correspondence Re 4th Panel Member July 23, 2019](#)
- Draft Reasons for Decision
- Draft Decision Letter from the Board

Respectfully submitted,



Kimberley Murray
Regulatory Specialist



Jacqueline Ho
Regulatory Specialist

Review Comment Table

Board:	MVLWB
Review Item:	Canadian Zinc Corporation - Prairie Creek All Season Road (ASR) - Land Use Permits and Water Licences (MV2014F0013; MV2014L8-0006; MV2019L8-0002; PC2014F0013; and PC2014L8-0006)
File(s):	MV2014F0013 MV2014L8-0006 (non-federal) MV2019L8-0002 (IAB Federal) PC2014F0013 PC2014L8-0006
Proponent:	CanZinc Corporation
Document(s):	Appendix 1-1 - Access Road Maps 1:150,000 (2.01 MB) Appendix 17-2 - Health, Safety and Emergency Response Plan (45.99 MB) Appendix 1-6 - ASR Design Drawings - Series 000 (36.57 MB) Appendix 1-6 - ASR Design Drawings - Series 100 (28.48 MB) Appendix 1-6 - ASR Design Drawings - Series 200 (20.59 MB) Appendix 1-6 - ASR Design Drawings - Series 300 (29.04 MB) Appendix 1-6 - ASR Design Drawings - Series 400 (25.5 MB) Appendix 1-5 - Non-Typical Winter Road Section Design Drawings (42.79 MB) Appendix 4-1 - Traffic Control Mitigation and Management Plan (3.31 MB) Appendix 16-1 - Explosive Management Plan (22.13 MB) Appendix 14-1 - Sediment and Erosion Control Plan (19.82 MB) Appendix 15-1 - Road Operations and Maintenance Plan (22.11 MB) Appendix 13-1 - Geochemical Verification Program (6.69 MB) Appendix 12-1 - Waste Management Plan (13.59 MB) Appendix 11-1 - Road Closure and Reclamation Plan (22.87 MB) Appendix 10-1 - Preliminary Geotechnical Investigation Data Report (24.1 MB) Appendix 10-2 - Permafrost Management Plan (51.59 MB) Appendix 8-1 - Preliminary AIA Summary (296.03 KB) Appendix 7 - Engagement Record, Log, and Plan (2.93 MB) Appendix 3-1 - Panel Candidate CVs (3.22 MB) Appendix 2-1 - Updated Commitments Table (594.67 KB) Appendix 1-16 - Liard River Crossing Drawings (5.52 MB) Appendix 1-15 - Hoverbarge Details (1.03 MB) Appendix 1-13 - Construction Camp Layout Drawings (7.65 MB) Appendix 1-11 & 1-12 Borrow Pit Information (17.31 MB) Appendix 1-9 - Summary of Minor Stream Crossings (391.26 KB) Appendix 1-10 - Borrow Pit Management and Reclamation Plan (341.45 KB) Appendix 1-8 - Stream Crossing Hydrology Data (7.65 MB) Appendix 1-6 - ASR Design Drawings - Series 900 (20.5 MB) Appendix 1-6 - ASR Design Drawings - Series 800 (26.39 MB) Appendix 1-6 - ASR Design Drawings - Series 700 (28.18 MB) Appendix 1-6 - ASR Design Drawings - Series 600 (15.09 MB) Appendix 1-6 - ASR Design Drawings - Series 500 (34.51 MB) Appendix 22 - Avalanche Hazard and Safety (22.69 MB) Appendix 27 & 5-1 - Rare Plant Management Plan and Data (39.73 MB)

	Appendix 28-1 - RECLAIM Cost Estimate (Parks) (1.62 MB) Appendix 21-1 - RECLAIM Cost Estimate (IAB Federal Lands) (1.6 MB) Appendix 1-14 - Studies to Date (304.96 KB) Appendix 17-1 - Spill Contingency Plan (25.16 MB) Appendix 20-2 - RECLAIM Cost Estimate (non-federal lands) (1.62 MB) Appendix 9-1 - Invasive Species Management Plan and Data Report (60.88 MB) Appendix 5 - Wildlife Management and Monitoring Plan and Data Report (45.63 MB) Appendix 1-7 - Stream Crossing General Arrangement Drawings (59.12 MB) Main Report (3.87 MB) Draft Work Plan (96 KB) Appendix 1-3 - Draft Road Construction Management Plan (3.05 MB) Appendix 1-2 - Access Road Maps 1:10,000 (Version 2) (76.46 MB) Preliminary draft non-federal Licence (MV2014L8-0006) (391 KB) Preliminary draft Permit (MV2014F0013) (475 KB) Appendix 1-4 - Proposed Land Use Permit (CZN) (459.48 KB) ASR N Liard Map - Mar22 19 (1.6MB) Letter Re: Sundog Creek Diversion Apr6 19 (11.29MB)
Item For Review Distributed On:	Mar 12 at 16:12 Distribution List Mar 12 at 16:16 Distribution List
Reviewer Comments Due By:	Apr 24, 2019
Proponent Responses Due By:	May 15, 2019
Item Description:	<p>May 1-3, 2019 update:</p> <ol style="list-style-type: none"> 1. CZN submitted a request to extend the proponent response to reviewer comments deadline from May 1st, 2019 until May 15, 2019. The extension was granted. 2. A technical session will be held from June 5-7, 2019 in Yellowknife. <hr/> <p>April 9, 2019 update:</p> <ol style="list-style-type: none"> 1. CZN has submitted a letter indicating a change in the proposed design for the Sundog Creek portion of their proposed All-Season Road. The Letter has been added to the ORS page for this project, and now forms a part of CZN's Post-EA Information Package. Due to the timing of this submission, the review comment deadline has been extended to April 24, 2019 to grant reviewers time to consider this change in their comments. Please note that the Sundog Creek Diversion Plan (Appendix 26-1) is no longer a part of the Post-EA Information Package and has been removed from the ORS. <p>CZN has asserted that this new information does not alter the original assessment of impacts to valued ecosystem components considered in</p>

the Report of Environmental Assessment EA1415-01, and is therefore exempt from preliminary screening in accordance with the Preliminary Screening Exemption List Regulations and Exemption List Regulations. If you have comments or recommendations on the possible exemption, please include them in your submission. INCLUDE RATIONALE. The Board and Parks Canada will make a determination on the preliminary screening exemption.

March 22, 2019 update:

1. CZN submitted an additional map which better depicts the north Liard river crossing point. The map is now included in the document list for this review, titled "ASR N Liard Map - Mar22_19". This map only affects the area which will fall under the MV2014L8-0006 and MV2014F0013 Licence and Permit (non-federal).
-

March 15, 2019 update:

1. The Review Comment End Date has been extended due to reviewers' request (DFN Request, ECCC Request). The Review Comment End Date is now April 16, 2019, and the Proponent Responses End Date is April 23, 2019.
 2. Board staff have prepared preliminary draft conditions for the Permit and Licence. The text below has been updated and **bolded** to provide further details.
-

Introduction:

On February 20, 2019, Canadian Zinc Corporation (CZN) submitted a Response (Post-EA Information Package) to Mackenzie Valley Land and Water Board's (MVLWB or the Board) and Parks Canada's Information Request (IR) dated October 9, 2019 regarding its Type A Land Use Permits (Permits) and Type B Water Licences (Licences). The Project consists of an All Season Road (ASR), beginning at the intersection of the Liard Highway (km 184) and ending at Prairie Creek Mine (km 0). The total ASR length is 170 km, in addition to an existing 10-km Nahanni Butte access road.

Jurisdiction:

Parks Canada is the regulator for lands within Nahanni National Park Reserve (NNPR) under the *Canada National Parks Act*. The Board is the regulator for the rest of the ASR, including the Indian Affairs Branch (IAB) lands. Parks Canada will

make best efforts to follow the Board's regulatory process and timeline; however, Parks Canada does not have a legislated timeline.

History:

Permit and Licence applications for the Prairie Creek ASR were received by the Board and Parks Canada on April 23, 2014. The Applications were distributed for review on May 2, 2014, reviewer comments were due on May 15, 2014, and proponent responses were due on May 21, 2014. On May 22, 2014, the Board referred the Applications to the Mackenzie Valley Environmental Impact Review Board (Review Board) for environmental assessment (EA). A Report of Environmental Assessment (REA) was released on September 12, 2017. On October 9, 2018, the Minister of Crown-Indigenous Relations, as the federal Minister, with concurrence from all responsible ministers, provided approval of the EA. On October 9, 2018, the Board and Parks Canada jointly required CZN to submit a Post-EA Information Package.

Instructions:

Reviewers are invited to submit comments and recommendations on CZN's Post-EA Information Package 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.

Please provide comments and recommendations on the Post-EA Information Package including:

- Main Report;
- Access Road Maps;
- Construction Camp Layout Drawings;
- Studies to Date;
- Updated Commitment Tables;
- Draft Closure Cost Estimates (please note there are estimates for territorial, federal and Parks land);
- Engagement Record, Log, and Plan;
- Waste Management Plan;
- Spill Contingency Plan;
- Health Safety and Emergency Response Plan;
- Explosive Management Plan;
- Invasive Species Management Plan and Data Report;
- Rare Plant Management Plan and Data Report;
- Permafrost Management Plan;
- Preliminary Geotechnical Investigation Report;
- Sediment and Erosion Control Plan;
- Sundog Creek Diversion Plan;
- Geochemical Verification Program;
- Borrow Pit Management and Reclamation Plan;
- Borrow Pit Information;
- Road Operations and Maintenance Plan;
- Road Construction Management Plan;

- ASR Design Drawings;
 - Non-Typical Winter Road Section Design Drawings;
 - Summary of Minor Stream crossings;
 - Stream Crossing Hydrology Data;
 - Stream Crossing General Arrangement Drawings;
 - Hoverbarge Details;
 - Panel Candidate CVs;
 - Terms of Reference for the Independent Technical Review Panel;
 - Avalanche Hazard and Safety;
 - Traffic Control Mitigation and Management Plan;
 - Wildlife Management and Monitoring Plan and Data Report;
- Please be advised that comments made by reviewers regarding impacts of this project to wildlife and wildlife habitat will inform both Parks Canada and the GNWT Minister of Environment and Natural Resources' on the review of the Wildlife Management and Monitoring Plan.
- Preliminary Archaeological Impact Assessment Summary;
 - Closure and Reclamation Plan; and
 - CZN's Proposed Draft Land Use Permit Conditions.

Please provide comments and recommendations on the following documents developed by the Board:

- Draft Work Plan.
- **The Board's Preliminary Draft Land Use Permit MV2014F0013 (please clearly indicate which condition you are commenting on); and**
- **The Board's Preliminary Draft Water Licence MV2014L8-0006 (please clearly indicate which condition you are commenting on).**

A draft work plan for this Application has been developed by Board staff. The intention of this draft Work Plan is to provide generic timeline for this proceeding. Please note the timeline is approximate, and is subject to change due to Board, Parks Canada, proponent, and reviewer schedules, and the needs for further information or additional public reviews.

Board staff have prepared preliminary draft conditions for the Licence (MV2014L8-0006) that will apply outside of the federal areas and the Permit (MV2014F0013) that will apply to both non-federal and IAB lands. Draft conditions for the Licence (PC2014L8-0006) and Permit (PC2014F0013) that will apply to NNPR, and the Licence (MV2019L8-0002) for the IAB lands may be posted at a later date. Reviewers can provide comments and recommendations on the conditions for all jurisdictions. As CZN has proposed conditions for the Permit, Board staff have incorporated reasonable wording or conditions into the preliminary draft Permit. The purpose of the draft Permit and Licence is to allow parties to comment on possible conditions. These draft materials are not intended to limit in any way the scope of parties' comments. The Board is not bound by the contents of the draft Licence and Permit and will make its decision

at the close of the proceeding on the basis of all the evidence and arguments filed by all parties.

Preliminary Screening:

In order to ensure that the requirements of Part 5 of the *Mackenzie Valley Resource Management Act* (MVRMA) have been met, the Board needs to confirm that the development described in CZN's Post-EA Information Package has not been modified from the development that underwent EA. If the development has not been modified, then it is exempt from preliminary screening in accordance with the Exemption List Regulations; otherwise, the Board must conduct a screening.

Reviewers are encouraged to provide comments and recommendations on:

- 1) Changes to the Project (e.g. the Hoverbarge) identified in the Post-EA Information Package; and
- 2) Impacts and mitigation measures related to those changes to the Project.

This information will assist both the Board and Parks Canada to determine if there are parts of the Project that were not assessed through the EA and assist with the completion of the preliminary screening.

Water compensation:

Notices of application for water compensation must also be submitted by the review comment deadline.

Contact us:

All documents that have been uploaded to this review are also available on our public Registry. If you have any questions about this review, please contact the Board staff and/or the Parks Canada staff identified below. If you have any questions specifically about the ORS, please contact Board staff identified below.

Julian Morse, Regulatory Specialist, MVLWB
Telephone: (867) 766-7453 Email: jmorse@mvlwb.com

Jacqueline Ann Ho, Regulatory Specialist, MVLWB
Telephone: (819) 766-7455 Email: jho@mvlwb.com

Allison Stoddart, Environmental Assessment Specialist, Parks Canada
Telephone: (819) 420-9188 Email: Allison.stoddart@canada.ca

Contact Information:

Jacqueline Ho 867-766-7455
Jen Potten 867-766-7468
Julian Morse 867-766-7453
Kim Murray (867) 766-7458

Comment Summary

Dehcho First Nations: Carrie Breneman				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Analysis
7	Independent Technical Review Panel (ITRP)	<p>Comment DFN has reviewed the provided resumes for qualified candidates for the ITRP.</p> <p>Recommendation DFN is in agreement with LKFN and NDDDB's recommendations for the appointments to the ITRP.</p>	May 15: Noted.	Board staff note that a condition has been included in the draft Land Use Permit and Water Licences requiring the establishment of the Independent Technical Review Panel to fulfill Report of Environmental Assessment (EA1415-01) Measure 5-1, Part 3.
Parks Canada: Audrey Steedman				
15	PCA #15 - Independent technical panel - composition (Main Report Section 3.2)	<p>Comment It is understood that CZN's suggested panel composition is Salanski, Oswell and Smith.</p> <p>Recommendation Provide suggested next steps and timeline for establishing the panel, in accordance with REA Measure 5-1 part 3.</p>	May 15: We hope to agree appointees at the Technical Session, following which we propose to engage them immediately, provide existing information, and provide a scope and schedule for their review which they and parties will comment on.	Board staff note that a condition has been included in the draft Land Use Permit and Water Licences requiring the establishment of the Independent Technical Review Panel to fulfill Report of Environmental Assessment (EA1415-01) Measure 5-1, Part 3.
Racher Consulting: Kathy Racher				
27	Independent Technical Review Panel (ITRP)	<p>Comment CZN has provided resumes for several qualified candidates for the ITRP that was prescribed in Measure 5 of from EA1415-01.</p> <p>Recommendation At this time, we are comfortable with the following candidates for the ITRP: --Jim Oswell --Michael Hartley --Tim Smith --Robert Johnston</p>	May 15: We're OK with Oswell (permafrost) and Smith (slopes). A road engineer needs to be selected from Hartley, Johnston and Salanski. We're not fussy about which one. Salanski seemed to us as having the most relevant resource road design experience.	Board staff note that a condition has been included in the draft Land Use Permit and Water Licences requiring the establishment of the Independent Technical Review Panel to fulfill Report of Environmental Assessment (EA1415-01) Measure 5-1, Part 3.