



NAHANNI BUTTE DENE BAND

General Delivery, Nahanni Butte
NT, X0E 0N0, Canada
Tel: (867) 602-2900 Fax: (867) 602-2910
Email: finance.nbdb@gmail.com

12 August 2021

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

**RE: Prairie Creek - Mining and Milling - New Type A Land Use Permit and Water Licence
Renewal Applications (MV2021D0005 MV2021L2-0004) - Request for an Extension for Acho
Dene Koe First Nation to Provide Additional Comments**

Ms. Cli-Michaud:

The Naha Dehe Dene Band (“NDDDB”) has reviewed a letter from the Acho Dene Koe First Nation (“ADKFN”) sent to the Mackenzie Valley Land and Water Board (“MVLWB” or the “Water Board”) on 10 August 2021 regarding the upcoming screening decision on Land Use Permit and Water Licence Applications (the “Application”) for the Prairie Creek Mine, proposed by NorZinc (“NZC”) through its subsidiary Canadian Zinc Corporation (“CZN”).

NDDDB strongly disagrees with many of the points made in that letter, and wishes to provide the Water Board with its point of view as you consider this matter.

1. Importance of NDDDB’s perspectives to regulatory process

In their 10 August letter, ADKFN states that

“the Canadian Zinc Corporation continues to use other First Nation’s perspectives to rationalize its own inaction. Acho Dene Koe First Nation continues to maintain that our community must not be compared to other First Nations and must be engaged with the respect and recognition as an independent Nation with unique knowledge, use and impacts. Other First Nations engaged in the regulatory process for this authorization have come to bilateral arrangements with The Canadian Zinc Corporation and therefore

have mutually agreeable understanding with The Canadian Zinc Corporation for this project.”

NDDB’s perspective must be taken into account by the Water Board and by the developer, not because of any agreements that may exist between the developer and NDDB, but because the mine and the proposed access road are located entirely within NDDB’s Traditional Territory, directly adjacent to the community of Nahanni Butte.

In contrast to NDDB’s situation, the Water Board should consider the following observations regarding the location of CZN’s activities proposed under Land Use Permit MV2021D0005 and Water Licence MV2021L2-0004:

- 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. These agreements acknowledge NDDB’s primary interest over the entire route of the All-Season Road. As such, ADKFN’s statements are not consistent with these agreements.

2. Change in ADKFN position

In a signed letter dated 15 July 2021, ADKFN told the Water Board that “in our review of the Canadian Zinc Corporation’s application, we do not believe an Environmental Assessment is necessary.” This position was underlined and highlighted in this letter.

Less than a month later, on 10 August 2021, a letter from the same author now states that they “require additional time and capacity to engage our membership, technical support, and collect Indigenous Knowledge to meaningfully understand and assess the impacts of estimated haul traffic” and that they “require additional time to meaningfully understand and assess the social-economic impacts to decide on the need for an Environmental Assessment.”

The only evidence they provide to support this dramatic change in position is that on 31 July 2021, they received information that “the proposed activities would increase traffic along the Northwest Territories Highway 7 / British Columbia Provincial Highway 77 corridor by approximately 25%.” This increase in traffic is half the 50% increase in daily ore mined, and is entirely consistent with the application materials available to ADKFN on 15 July 2021.

The only reasonable explanation for this change in position, given little new technical information, is that ADKFN seeks to delay or redirect the Water Board's process for political purposes. It is in fact stated in ADKFN's letter that their bilateral negotiations have recently broken down, which is very likely the cause of their sudden reversal in approach.

RECOMMENDATIONS

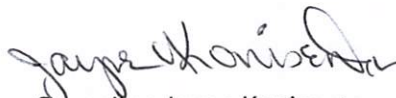
NDDB again reminds the Water Board, and other reviewers, that the Prairie Creek Mine is in our traditional territory. We have the greatest potential for both impacts and benefits from its development. Considering this, we make the following recommendations to the Water Board:

1. We recommend that all other parties to this process respect our community's primary rights and interests within our traditional territory.
2. We reiterate our 8 July 2021 recommendation to the Water Board that the project should proceed directly to the permitting stage, based on our analysis and that of many other reviewers, including ADKFN as of 15 July 2021.
3. We recommend that the Water Board deny ADKFN's request for an unspecified amount of additional time to determine whether an environmental assessment is required. No adequate justification has been provided for this request, and granting such a request would be injurious to the interests of other parties.
4. We recommend that the Water Board issue its screening decision, as scheduled, by the end of August 2021.

Sincerely,



Chief Steve Vital
Nahanni Butte Dene Band



Councilor Jayne Konisenta
Nahanni Butte Dene Band



Councilor Brian Ekotla
Nahanni Butte Dene Band



Councilor Jim Betsaka
Nahanni Butte Dene Band



Councilor Eric Matou
Nahanni Butte Dene Band

cc: Mr. Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Environmental Impact Review Board