

PARKS CANADA AGENCY

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MACKENZIE VALLEY
ENVIRONMENTAL IMPACT
REVIEW BOARD

FACSIMILE TRANSMITTAL SHEET

TO:	Alan Ehrlich	FROM:	Suzanne Therrien-Richards
COMPANY:	Mackenzie Valley Environmental Impact Review Board	DATE:	03/03/03
FAX NUMBER:	(867) 766-7074	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:	(867) 766-7062	SENDER'S REFERENCE NUMBER:	
RE:	Canadian Zinc January 21, 2003, Response to MVEIRB	YOUR REFERENCE NUMBER:	

Please refer to the attachment for Parks Canada's additional comments on Canadian Zinc's response to the MVEIRB dated January 31, 2003.



Parks Canada
Parcs Canada

Nahanni National Park Reserve
Parks Canada Agency
P.O. Box 348
Fort Simpson, NT

March 3, 2003

Mr. Alan Ehrlich
MVEIRB
Box 938
5102 - 50th Avenue
Yellowknife, NT
X1A 2N7

Dear Mr. Ehrlich:

RE: Canadian Zinc Jan. 31st, 2003 Response to MVEIRB - Deadline Extension

Thank you for your notice of extension for comments related to the CZN January 31st response to the MVEIRB Information Requests. Since we have had additional time to review the CZN response, Parks Canada Agency is submitting additional comments to the MVEIRB as follows:

1. Firstly, as a matter of administration, can you please revise your mailing list by changing the addressee "Doug Tate, Nahanni National Park Reserve" to "Chuck Blyth, Nahanni National Park Reserve" at fax number (867) 695-2446 (fax same as before).

2. CZN is introducing new elements that have not been discussed in previous correspondence or submissions, namely a polishing pond, a catchment basin and a wetland. Under the *Mackenzie Valley Resource Management Act* (MVRMA), the Review Board is required to include a determination of the scope of development. Specifically, the MVRMA states:

117. (1) Every environmental assessment of a proposal for a development shall include a determination by the Review Board of the scope of the development, subject to any guidelines made under section 120.

Furthermore, since the scope of the development has not been revised by the RB to include these new elements, the environmental assessment has also not been revised to include a consideration of impacts, the significance of such impacts, mitigation, etc. as required by section 117. (2) of the MVRMA, that states:

117. (2) Every environmental assessment and environmental impact review of a proposal for a development shall include a consideration of

- (a) the impact of the development on the environment, including the impact of malfunctions or accidents that may occur in connection with the development and any cumulative impact that is likely to result from the development in combination with other developments;
- (b) the significance of any such impact;
- (c) any comments submitted by members of the public in accordance with the regulations or the rules of practice and procedure of the Review Board;
- (d) where the development is likely to have a significant adverse impact on the environment, the imposition of mitigative or remedial measures; and
- (e) any other matter, such as the need for the development and any available alternatives to it, that the Review Board or any responsible minister, after consulting the Review Board, determines to be relevant.

Canada



At this time, Parks Canada cannot conclude its technical review of the responses by CZN to the RB Information Requests. Since the polishing pond, catchment basin and wetland have not been included in the scope of the development, nor have the factors to be considered identified and evaluated, Parks Canada can only conclude that there might be significant adverse impact on the environment or might be a cause of public concern. Adverse impacts to the environment resulting from these new elements may include contamination of surface and groundwater, and impacts to aquatic habitat and organisms that may extend into Nahanni National Park Reserve. These direct impacts could further negatively affect subsistence use of lands within Nahanni by the First Nations peoples. The potential for surface water contamination could impact on visitation to Nahanni, affecting tourism satisfaction both nationally and internationally, and the tourism-based economy of the region.

Requirements:

1. The RB must revise the scope of the development (section 117.(1) of MVRMA).
2. A Responsible Minister, in consultation with the RB, or the RB, must revise the factors associated with these new elements (section 117.(2) of MVRMA)

Recommendation:

Parks Canada, as a Responsible Minister, is prepared to consult the Review Board, in determining the factors to be considered with respect to these new elements. As per section 121 of the MVRMA, Parks Canada further requests that written reasons be provided for a decision with respect to our requirements.

121. The Review Board, a review panel thereof, the federal Minister, a responsible minister, a designated regulatory agency, a regulatory authority or the Gwich'in or Sahtu First Nation shall issue and make available to the public written reasons for any decision or recommendation made under the process established by this Part.

3. Parks Canada believes that the location of the public registry in Yellowknife limits the ability of residents in the Deh Cho area to access the public registry and to bring forward concerns that they may have with respect to development in the Deh Cho area. The registry located in Yellowknife does not provide fair or convenient access to Aboriginal people, the public or Parks Canada. Parks Canada requests that an additional registry be established in Fort Simpson for those developments that are relevant to people in the Deh Cho area, such as the North American Tungsten and Canadian Zinc developments. There are no provisions within Part V of the MVRMA that require the public registry to be exclusively located at the head office of the RB.

Requirement:

Section 114 (c) of Part V of the MVRMA states that one of the purposes of the Act is:

(c) to ensure that the concerns of aboriginal people and the general public are taken into account in that process.


Recommendation:

In order to provide fair or convenient access to Aboriginal people, the public or Parks Canada, Parks Canada requests that an additional registry be established in Fort Simpson for those developments that are relevant to people in the Deh Cho area. As stated earlier, as per section 121 of the MVRMA, Parks Canada further requests that written reasons be provided for a decision with respect to our request.

If you have any questions regarding these comments, please do not hesitate to call me at (867) 695-3151.

Yours truly,



 Chuck Blyth
Superintendent, Nahanni NPR