

Our File: EA1415-01

April 13, 2017

Prairie Creek All Season Road Project, Canadian Zinc Corporation

To:

Chief Peter Marcellais- Nahanni Butte Dene Band and
Lorraine Seale- Director, Securities and Project Assessment, Lands

Re: Request to file legal documents

On March 28, Nahanni Butte Dene Band (NBDB) requested that two legal documents in a proceeding separate to EA1415-01 be filed to the public registry (see attachment 1). On April 3, the Government of the Northwest Territories (GNWT) informed the Review Board that they did not object to the two documents being posted, as long as related affidavits of two GNWT staff are also included in the posting to provide further context. In a telephone conversation with Review Board staff on April 6, Chief Marcellais indicated that he objected to the affidavits being posted, citing privacy concerns. The GNWT sent a letter to the Review Board on April 10 confirming their original position that either all or none of the documents should be posted (see attachment 2).

The Review Board met on April 12 to consider this issue and has determined that none of the legal documents will be posted to the public registry for EA1415-01. The Review Board is of the opinion that these documents are not relevant to the EA and that information contained therein is not relevant to the Review Board's decision making process for this project. The Review Board also notes that the public registry for this EA is closed until Public Hearings for this project, and introducing new evidence to the record at this time may raise questions of fairness for parties.

If you have any questions, the lead for the Project is A/Manager Environmental Assessment Officer Chuck Hubert (867) 766-7052; chubert@reviewboard.ca).

From: [Peter Marcellais](#)
To: [Chuck Hubert](#)
Cc: [Mark Cliffe-Phillips](#); [Catherine Fairbairn](#)
Subject: Fwd: Legal Documents Served on NBDB by GNWT Lands
Date: March-29-17 2:59:26 PM
Attachments: [SCNT, Notice of Motion, Mar28,2017.pdf](#)
[SCNT, StatementofClaim, Mar28,2017.pdf](#)

Hi Chuck,

Please post to the Registry as requested.

Mahsi Cho,

Chief Peter Marcellais

----- Forwarded message -----

From: **Peter Marcellais** <chief.nbdb@gmail.com>
Date: Tue, Mar 28, 2017 at 3:58 PM
Subject: Legal Documents Served on NBDB by GNWT Lands
To: Chuck Hubert <chubert@reviewboard.ca>
Cc: Mark Cliffe-Phillips <mcliffephillips@reviewboard.ca>, Catherine Fairbairn <cfairbairn@reviewboard.ca>

Please find attached pdf copies of documents served on the NBDB by officials of GNWT Lands this afternoon. As they are relevant to the all-season road, please post to the Registry

Mahsi Cho,

Chief Peter Marcellais.



APR 10 2017

Chuck Hubert
A/Manager, Environmental Impact Assessment
Mackenzie Valley Environmental Impact Review Board
P.O. BOX 938
YELLOWKNIFE NT X1A 2P1

VIA EMAIL

Dear Mr. Hubert:

Information on public record for EA1415-01 relating to GNWT's injunction for land use activities on Territorial Land near Nahanni Butte – Canadian Zinc Corporation's Prairie Creek all-season road environmental assessment (EA1415-01)

The Government of the Northwest Territories (GNWT) is a party to the Mackenzie Valley Environmental Impact Review Board's environmental assessment (EA) of Canadian Zinc Corporation's proposed Prairie Creek all-season access road (EA1415-01).

In a proceeding separate to EA1415-01, the GNWT is pursuing a court injunction related to the Nahanni Butte Dene Band's (NBDB) unauthorized land use activities on Territorial Land. The NBDB has requested that the Review Board post to the public record for EA1415-01 the Notice of Motion and Statement of Claim (March 28, 2017) related to the injunction. On April 3, 2017, the GNWT indicated to the Review Board that the GNWT does not object to the posting of the two documents to the Registry but also requested that the related affidavits of two GNWT staff be included in the posting to the Registry to provide further context. Review Board staff later indicated via electronic message dated April 6, 2017 that the NBDB has requested exclusion of the affidavits.

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The GNWT objects to excluding the affidavits. Procedural fairness in the EA1415-01 proceeding necessitates that the Review Board hear all relevant arguments from both sides of any dispute on any issue in the Review Board's jurisdiction. The GNWT has been clear that the affidavits provide appropriate context as to the land use activities of the NBDB as well as the facts and reasoning behind the GNWT's actions. If the Review Board chooses to exclude the affidavits, the GNWT objects to including the Notice of Motion, March 28, 2017 and Statement of Claim, March 28, 2017 on the public record for EA1415-01.

If the Review Board or any of the participants in this EA have questions regarding the GNWT's participation in this EA, please contact Trish McFaull, Manager, Project Assessment Branch, by email at Trish.McFaull@gov.nt.ca, by phone at 867-767-9180 (Ext. 24021), or Paul Mercredi, Project Assessment Analyst, by email at Paul.Mercredi@gov.nt.ca and by phone at 867-767-9180 (Ext. 24025).

Sincerely,

A handwritten signature in black ink, appearing to read 'L Seale', with a stylized, cursive script.

Lorraine Seale
Director, Securities and Project Assessment
Lands