



NAHANNI BUTTE DENE BAND

General Delivery, Nahanni Butte

NT, X0E 0N0, Canada

Tel: (867) 602-2900 Fax: (867) 602-2910

Email: chief.nbdb@gmail.com

Via Electronic Mail

March 14, 2017

Mr. Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Review Board
mcliffephillips@reviewboard.ca

Re: Canadian Zinc All-Season Road - Technical Report

Dear Mr. Cliffe-Phillips,

Thank you for providing the opportunity for the Community of Nahanni Butte to present its position with respect to the Board's Environmental Assessment process which we summarize as follows:

Nahanni Butte is a relatively small community, but nonetheless has aspirations to grow and utilize its traditional lands. Band members, especially the youth, are in need of gainful activity and employment. Canadian Zinc's Prairie Creek Mine project represents a generational opportunity that will greatly help the Band achieve its aspirations. The Band will reap financial benefits from the project, as well as jobs, and we will ensure that the environment and our culture will be protected in the process by adopting a co-management approach of the access road with the proponent and land managers, including Parks Canada, INAC and the GNWT. So far, Canadian Zinc is the only one who has committed to this.

We will work with Canadian Zinc to control and manage traffic on the access road, and we also propose to use the road to access Second Gap, where we propose to build and operate a youth/wellness centre, and other parts of our traditional territory inside and outside of the Nahanni National Park Reserve.

For your information, the Band is encouraged by a statement made by the Federal Environment Minister Catherine McKenna at a recent parks conference in Banff, Alta, where she highlighted: "Indigenous traditional knowledge will play a greater role in managing Canada's national parks as well. Our national parks must be respectful of traditional knowledge; especially as we strive towards a renewed nation-to-nation relationship with Indigenous peoples and continue to work together in a manner based on the recognition of rights, respect and cooperation."

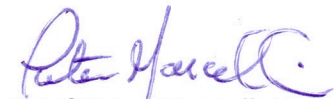
After having made this comment, you can appreciate our confusion when federal government agencies like INAC fail to consult with our elders but instead choose to intimidate us and serve us with written "stop work orders" (see attached) and display an attitude more driven by the rule book than rational common sense. Furthermore, Parks Canada appears to rely solely on science-based assumptions rather than groundtruthing evidence when assessing environmental impacts.

In our specific case, since the clearing of the road to our IAB lands is a gateway to harvesting firewood for the elders and a workable Northern solution to youth despair, we respectfully ask for Ministerial intervention to fast-track the permit process for the whole length of the proposed all-season road traversing our traditional lands.

Lastly, The NBDB through a Band Council Resolution unanimously ratified by the Elders has withdrawn its participation in Parks Canada's Consensus Team and therefore the Review Board should consider submissions made by Parks Canada as not necessarily reflective of the views and concerns of the Community.

Thank you for your consideration and opportunity to submit a technical report.

Mahsi Cho,



Chief Peter Marcellais



Notice

Dated the 13th Day of March 2017

TO: Nahanni Butte Dene Band
C/o Chief Peter Marcellais
General Delivery
Nahanni Butte, NT, X0E 0N0

Re: Contravention of the Mackenzie Valley Land Use Regulations

I, Devin Penney, duly designated Inspector under the Mackenzie Valley Resource Management Act S.C. 1998 c.25 (Act) hereby give you notice and inform you that there is a failure to comply with the section 4(a)(ii) of the *Mackenzie Valley Land Use Regulations* and that the unauthorized release of hydrocarbons has resulted in (or is likely to result) in an adverse impact to the environment pursuant to section 86(1) of the *Mackenzie Valley Resource Management Act*.

Contrary to:

Section 4:

No person shall, without a Type A permit, carry on any activity that involves

(a) on land outside the boundaries of a local government,

- (i) the use of a quantity of explosives equal to or exceeding 150 kg in any 30-day period,
- (ii) the use of a vehicle or machine of a weight equal to or exceeding 10 t, other than on a road or on a community landfill, quarry site or airport,
- (iii) the use of a single container for the storage of petroleum fuel that has a capacity equal to or exceeding 4 000 L,
- (iv) the use of a self-propelled motorized machine for moving earth or clearing land, or
- (v) the levelling, grading, clearing, cutting or snowploughing of a line, trail or right-of-way, other than a road or existing access trail to a building, that exceeds 1.5 m in width and 4 ha in area, for a purpose other than the grooming of recreational trails; or

Under the authority of section 86(2) of the Act, the Inspector hereby orders the Permittee to;

- 1) **Immediately** discontinue any further use of equipment that equals or exceeds 5 t on any part of the Indian Affairs Branch Lot referred to in Annex 'A' without being



authorized by way of a land use permit issued by the Mackenzie Valley Land and Water Board,

- 2) **Immediately** remove and properly dispose of any contaminated snow and/or soil associated with the unauthorized use of a vehicle or machine referred to above within the Indian Affairs Branch Lot referred to in Annex 'A',

Every person who contravenes section 90.1, any provision of regulations made under section 90, any condition of a permit or an order of an inspector under subsection 86(1) or (2) is guilty of an offence and is liable on summary conviction

(a) for a first offence, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding six months, or to both; and

(b) for a second or subsequent offence, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding six months, or to both.

An offence under subsection 92(1), 92.01(1), 92.02(1) or 92.03(1) that is committed or continued on more than one day constitutes a separate offence for each day on which it is committed or continued.

As has been previously discussed, should the Nahanni Butte Dene Band wish to continue with the construction of the road across the IAB lot they will require a Type A land use permit from the Mackenzie Valley Land and Water Board. Indigenous and Northern Affairs Canada officials would be pleased to assist the Nahanni Butte Dene Band with the preparation of an application for such a permit and support the Band throughout the permitting process wherever possible.

I expect your full cooperation with this matter in the timeline specified above.

Devin Penney
Resource Management Officer III (Inspector)
Indigenous and Northern Affairs Canada
Resource and Lands Directorate
Government of Canada