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PO Box 348, 10002-100 St.
Fort Simpson, NT
XoE oNo

24 November 2015

JoAnne Deneron
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
Box 938, 5102-50th Ave
Yellowknife, NT X1A 2N7

Re: Proposed airstrip in Nahanni National Park Reserve

Dear Ms. Deneron,

I am writing in response to your letter of 6 November 2015 requesting that Parks Canada provide further context around its position that the airstrip proposed by Canadian Zinc within Nahanni National Park Reserve as part of the Prairie Creek All-Season Road Project cannot be permitted. This position was confirmed in writing in a letter I sent to the Mackenzie Valley Environmental Impact Board on 8 April 2015.

Following Canadian Zinc's inclusion of the airstrip in their project description report for the Prairie Creek All-Season Road Project (EA1415-01 [2014]) in July 2014, Parks Canada conducted an analysis of section 41.1 of the *Canada National Parks Act* (CNPA) with respect to the proposed Prairie Creek access road and associated facilities. This analysis led us to conclude that the section does not allow us to permit the proposed airstrip in the park. For reference, the pertinent part of section 41.1 is reproduced below:

"The Minister may enter into leases or licences of occupation of, and easements over, public lands situated in the expansion area for the purposes of...a mining access road leading to the Prairie Creek Area...including the sites of storage and other facilities connected with that road"

Section 13 of the *CNPA* acts as a general prohibition on land disposal or use in a national park except for a limited number of purposes specified elsewhere in the *Act*. Section 41.1 operates as a specific and limited exception to the general rule of section 13, allowing for the permitting of the Prairie Creek access road. Section 41.1 is a narrow exception to what is otherwise a rule of non-disposal and use.

As such, if the airstrip in the park was to be permitted, it must come within the phrase "other facilities connected with that road", meaning the Prairie Creek Access Road. We carefully read and considered Canadian Zinc's project description and had subsequent discussions with them, and we concluded that the proposed airstrip is connected to the mine, not the road. The project description report indicates that the proposed airstrip is "to facilitate air access to the mine in bad weather" and that "the intention of the second airstrip is to be back-up for the mine."

If section 41.1 of the *CNPA* required only that a facility be connected physically to the road, section 41.1 would open the park to limitless development along the road corridor. Any facility could be authorized provided only that it was physically connected to the road. Rather, section 41.1 requires that the facility be connected in purpose to the road and, as noted above, the purpose of the airstrip is to serve as a back-up for the mine. An airstrip is neither a site of storage nor other facility that is usually connected to a road. To put it another way, the construction and use of such a road is not dependent on that road being connected to an airstrip.

Canadian Zinc has suggested that Parks Canada could be “owner” of the airstrip, thus removing the requirement for a license of occupation. Parks Canada would only own an airstrip if that infrastructure was required for park management purposes. In this case, Parks Canada has no operational reason for owning an airstrip along the Prairie Creek access road corridor.

Finally, in discussions, Canadian Zinc has made reference to other airstrips within Nahanni National Park Reserve. To be clear, there are no airstrips located within the park. The only site in the park that is currently authorised under the *Canada National Parks Aircraft Access Regulations* and that allows wheeled plane landings, specifically for access to the South Nahanni River, is the Bunny Bar, located upstream of Rabbitkettle Lake. The Bunny Bar is not a constructed airstrip, rather it is a pre-existing natural feature (a gravel bar) that allows for wheeled plane access.

Canadian Zinc has also suggested that a new airstrip should be considered a facility connected with the road on the basis that airstrips were established along the road corridor in the early 1980's when the winter road was last operational. The historical presence or absence of airstrips is not relevant to the current situation. Rather, the narrow and specific question is forward-looking: is the proposed airstrip a “facility” and is it “connected with the road”? As discussed above, we have concluded that it is not.

If you have any further questions on this matter, please do not hesitate to contact me. I can be reached at (867) 695-7753 or david.britton@pc.gc.ca.

Sincerely,



David Britton
Superintendent
Nahanni National Park Reserve