



July 04, 2022

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### ***Aboriginal Rights Consultation: Decision about whether to Approve the Wildlife Management and Monitoring Plan for Phase 1 of Canadian Zinc's Prairie Creek All-Season Road Project***

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In a letter dated October 27, 2017, the Government of the Northwest Territories (GNWT) Department of Environment and Natural Resources (ENR) notified Canadian Zinc (CZN; now NorZinc) that they were required under section 95 of the *Wildlife Act* to submit a Wildlife Management and Monitoring Plan (WMMP) for the Prairie Creek all-season access road project for approval by the Minister of ENR.

The first draft of the WMMP, which covered the entire all-season road project, underwent public review between March 12, 2019 and April 24, 2019 through the Mackenzie Valley Land and Water Board's (MVLWB) Online Review System. Based on feedback received and a decision to narrow the scope of the WMMP to construction and operation of the Pioneer Winter Road (Phase 1), NorZinc submitted a revised version to the Minister of ENR and the Superintendent of Nahanni National Park Reserve on November 12, 2019.

The Phase 1 WMMP underwent a public review between December 10, 2019 and January 9, 2020. Indigenous governments and Indigenous organizations were notified by e-mail of the public review which took place through the MVLWB's Online Review System. NorZinc replied to the public comments on January 16, 2020. On February 4, 2020, NorZinc indicated in a news release that the Pioneer Winter Road (Phase 1) would not be commencing in the first quarter of 2020 as previously planned.

On April 25, 2020, ENR sent a letter to NorZinc indicating that it would defer its approval decision for the WMMP, and identified four key revisions to the WMMP that NorZinc had to address before ENR would consider it for approval. ENR requested that NorZinc submit a final version of the Phase 1 WMMP for approval at least 90 days prior to commencing construction. On October 4, 2021, NorZinc submitted a final version of a WMMP for Phase 1 of the road to be considered for approval.

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On November 2, 2021, ENR sent a letter to Indigenous governments and Indigenous organizations to ask if they had any concerns about the potential for the mitigation and monitoring measures outlined in the WMMP to impact their asserted or established Aboriginal and/or treaty rights, with a deadline of December 17, 2021. This letter also provided an overview of previous opportunities for public review of the WMMP and correspondence between ENR and NorZinc regarding revisions to the WMMP that needed to be made before ENR would consider it for approval.

ENR received three responses on or before the December 17, 2021 deadline. Two responses indicated that they had no further comments on the WMMP. The third response raised concerns with respect to the Phase 1 WMMP that included failure to acknowledge that a portion of the all-season road alignment overlapped with their traditional territory, impacting wildlife and hunting/trapping success due to increased traffic levels on public highways from project-related traffic, and the potential for the proposed checkpoint and signage at the southern end of the road to prevent or dissuade members from accessing their traditional territory.

ENR responded to these concerns in a letter dated May 25, 2022. ENR agreed that the WMMP needs to acknowledge all First Nations whose traditional territories overlap with the alignment of the all-season road project.

With respect to the potential effects from increased traffic levels on Highway 7 from the junction with the Nahanni Butte access road to the NWT/BC border, even with the addition of traffic from the Prairie Creek Mine and all-season road projects, traffic volumes would be substantially lower than those reported on most other segments of the NWT highway system. Project vehicles traveling on public highways are also required to report any wildlife-vehicle collisions to an ENR officer within 24 hours. If the annual number of vehicle collisions on Highway 7 was seen to increase, ENR would consult with the Department of Infrastructure to assess whether any new actions could be implemented on the highway to mitigate this impact.

ENR agreed that the checkpoint and associated signage proposed by NorZinc in the WMMP cannot be used to prevent or dissuade harvesters exercising an Aboriginal or treaty right from accessing their traditional territory in any way. As a condition of approval of the WMMP, NorZinc will be required to modify their signage so that it does not purport to prohibit anyone from hunting in the area that can lawfully do so.

ENR now considers consultation to be closed on its pending decision about whether to approve the WMMP.

Your government or organization will be copied on the decision letter and accompanying reasons for decision regarding the WMMP. In addition, your government or organization will be provided opportunities in the future to provide feedback on the WMMP through the annual WMMP report for Phase 1 of the all-season road project, and through review of a WMMP to be submitted by NorZinc for Phase 2 and 3 of the project. Please contact Dr. James Hodson, Wildlife Biologist, at (867) 767-9237, extension 53227 or [james.hodson@gov.nt.ca](mailto:james.hodson@gov.nt.ca) if you have any questions about the WMMP.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Kelly".

For Erin Kelly, Ph.D.  
Deputy Minister  
Environment and Natural Resources

c. The Honourable Caroline Cochrane  
Premier

The Honourable Shane Thompson  
Environment and Natural Resources

Shaleen Woodward  
Principal Secretary

Martin Goldney  
Secretary to Cabinet/Deputy Minister  
Executive and Indigenous Affairs

Shawn McCann  
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