



Mackenzie Valley Environmental Impact Review Board

**PRE-HEARING CONFERENCE**

for the Ecojustice Canada Request for Ruling  
in the environmental assessment of

**Canadian Zinc Corporation, Prairie Creek Mine - EA0809-002  
[2008]**

Yellowknife Wednesday, December 17, 2008 Mackenzie Valley Land & Water Boardroom  
and via Teleconference

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For those interested parties who would like to attend in person, the meeting will be chaired from the Mackenzie Valley Land and Water Board's (MVLWB) offices on the 7<sup>th</sup> floor of the YK Centre, 4922 - 48<sup>th</sup> Street, in Yellowknife (NOTE: NOT THE REVIEW BOARD OFFICES). Room location details will be available from the MVLWB's front desk staff. Janna Ward is the contact person there; she can be reached at (867) 766-7450.

To access the teleconference, the call in number is 1-866-512-0904. You will then be prompted for the participant code, which is 8581475, followed by the # key. If you have problems getting through to the conference call, call the Review Board at 867-766-7050 for more information.

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The meeting will be audio-recorded and a copy of this recording and meeting minutes placed on the public record for this EA.

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**Deadlines for Request for Ruling Submissions**

The deadline for submissions on the Request for Ruling has been set to January 6, 2009 for interested parties and the developer, and to January 12, 2009 for the applicant's reply. The Review Board plans to make a decision on the Request for Ruling at its January 24-25, 2009 Board Meeting.

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## Mackenzie Valley Environmental Impact Review Board

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### AGENDA (NOTE: ALL TIMES ARE MOUNTAIN STANDARD TIME)

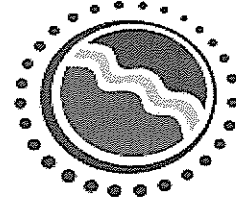
- 1:30pm**      **Welcome and finalizing agenda**
- 1:40pm**      **Re-iteration of Request for Ruling process/timelines (Review Board staff)**  
-Discuss Review Board Directive on Request for Ruling – Nov. 27, 2008  
-Update on IR responses and filing of material on public record  
-Next Steps in Request for Ruling process including deadlines
- 2:00pm**      **Open discussion on procedural issues related to request for ruling submissions or information on or required on the public record**  
-What materials listed in IR responses but not provided by parties is required on the public record? (see Attachment 1 to this agenda)  
-Any other procedural issues (e.g. discussion of INAC request for extension)
- 2:30pm**      **Introduction to discussion of legal issues to address in Request for Ruling submissions (Review Board counsel)**
- 2:40pm**      **Open discussion on legal/jurisdictional issues to be addressed in submissions**
- 3pm**          **Other Business (raised by attendees)**
- 3:15pm**      **Adjournment**

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If you have any questions before or after the Pre-Hearing Conference, you can contact the Environmental Assessment Officer coordinating this file:

**Alistair MacDonald**  
Environmental Assessment Officer  
Phone: (867) 766-7052  
Fax: (867) 766-7074  
Email: [amaconald@reviewboard.ca](mailto:amaconald@reviewboard.ca)

# Mackenzie Valley Review Board



## DISTRIBUTION LIST - FAX OR EMAIL

### EA 0809-002 Canadian Zinc Corporation, Prairie Creek Mine

Chief Darcy E. Moses	Pehdzeh Ki First Nations Wrigley	867-581- 3229
Chief Kenya Norwegian	Liidlii Kue First Nations Fort Simpson	867-695-2665
Grand Chief Jerry Antoine	Dehcho First Nations	867-695-2038
Chief Fred Tesou	Nahanni Butte Dene First Nations	867-602-2910
Chief Steve Kotchea	Acho Dene Koe First Nations –Fort Liard	867-770-4004
President Ernie McLeod	Fort Liard Metis Local #67	867-770-4144 (c/o Ernie McLeod)
President Vern Jones	Northwest Territory Metis Council	867-872-2772
President Marie Lafferty	Fort Simpson Metis Local #52	867-695-2040
Michael Nadli	Dehcho Land Use Planning Committee	867-699-3166
Mayor Dincan Canvin	Village of Fort Simpson	867-695-2005
Frank Kotchea	Nahendeh Land & Environmental Services	867-770-4573

Alan Taylor	Canadian Zinc Corp.	alan@canadianzinc.com
Laura Pitkanen	Dehcho Representative	pitkanen@csolve.net
Mayor Wayne Newbury	Hamlet of Fort Liard	867-770-4004
Canadian Zinc Corporation	Corporate Office	604-688-2043
Lani Cooke	CPAWS	lani@cpaws.org
Krystal Thompson	INAC	thompsonkr@inac.gc.ca
Joel Holder	ENR-GNWT	joel_holder@gov.nt.ca
Lorraine Sawdon	DFO	lorraine.sawdon@dfo-mpo.gc.ca
Kirby Groat	Chamber of Commerce-Fort Simpson	kwgroat@northwestel.net
Adrian Paradis	MVLWB	adrian@mvlwb.com

Anne Wilson	Environment Canada	anne.wilson@ec.gc.ca
Alison Woodley	CPAWS	awoodley@cpaws.org
David Harpley	Canadian Zinc Corp.	david@canadianzinc.com
Joe Acorn	Consultant to Nahanni Butte Dene Band	joeacorn@theedge.ca
Katherine Cumming	Parks Canada	katherine.cumming@pc.gc.ca
Neil Hartling	Canadian River Expeditions & Nahanni River Adventures	neil@nahanni.com

Peter Redvers	Cross Currant Associates	predvers@ssimicro.com
Sam Gargan	Dehcho First Nations	sam_gargan@dehchofirstnations.com
Ryan Silke	NWT & Chamber of Mines	silke@ssimicro.com



# Mackenzie Valley Environmental Impact Review Board

## ***Preamble to Attachment #1***

### **Documents not yet made available by IR respondents**

Attachment #1 indicates documents identified by the Department of Fisheries and Oceans, Environment Canada and Parks Canada that are not yet available on the Review Board's paper and website public registry for this file. Questions may emerge at the Pre-Hearing Conference in relation to the relevance of this material and the need for some or all of it to be placed on the public registry.

The Department of Fisheries and Oceans identify 18 documents in its possession it would be pleased to forward upon request.

Environment Canada identifies 37 documents in its possession it would be pleased to forward upon request.

Parks Canada has indicated they are sending a paper copy to the Review Board of one document – the Review Board would like to know when that document will be arriving.

*All submissions from Indian and Northern Affairs Canada are expected by Wednesday, December 17<sup>th</sup> and will be placed on the Review Board's website as soon as possible.*

### **Documents made available by IR respondents**

IR responses were also received from Canadian Zinc Corporation and the Canadian Parks and Wilderness Society, both of which provided digital copies of all of the documents referred to in their IR responses.

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Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Fish Habitat Management  
Suite 101, 5204-50<sup>th</sup> Avenue  
Yellowknife, Northwest Territories  
X1A 1E2

Gestion de l'Habitat du Poisson  
Suite 101 5204, 50e Avenue  
Yellowknife (Territoires du Nord-Ouest)  
X1A 1E2

Attachment #1  
to Pre-Hearing  
Conference Agenda  
for Dec 17/08  
Your file / Votre référence  
EA0809-002  
Our file / Notre référence  
YK-08-00114

December 12<sup>th</sup>, 2008

Alistair MacDonald  
Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
PO Box 938  
Yellowknife, NT X1A 2N7

Via E-mail to :  
[amacdonald@mveirb.nt.ca](mailto:amacdonald@mveirb.nt.ca)

Dear Mr. MacDonald:

**RE: DFO Response to MVEIRB Information Request on Prairie Creek Mine Project**

Fisheries and Oceans Canada (DFO) would like to provide the following in response to the Mackenzie Valley Environmental Impact Review Board's information request issued on November 26<sup>th</sup> 2008.

As outlined in IR0809-002-04, DFO understands that the Review Board is requesting any relevant historical materials that may be of assistance in determining the appropriate scope of the development for the Prairie Creek Mine EA0809-002. DFO has attached a list of documents that were either identified in Appendix 2 of the Board's information request or were found in our historic Prairie Creek files. Should the Board require copies of any of the identified documents, DFO would be pleased to forward those records upon request.

DFO hopes the information provided will assist the Review Board in ruling on the appropriate scope of the development for the Prairie Creek Mine as well as ensuring all relevant materials are accessible on the public record. If there are any questions or clarification needed on any of these matters, please contact Sarah Olivier at (867) 669-4919.

Regards,

Beverley Ross  
Regional Manager, Environmental Assessment for Major Projects  
Fisheries and Oceans Canada

cc. Ginny Flood, Fisheries and Oceans Canada  
Stuart Dean, Fisheries and Oceans Canada  
Julie Dahl, Fisheries and Oceans Canada  
James Boraski, Fisheries and Oceans Canada

**Environmental Assessment for Prairie Creek Mine**

**DFO's Response to Mackenzie Valley Environmental Impact Review Board  
Information Request IR0809-002-04**

<b>Document Date</b>	<b>Type</b>	<b>Details</b>	<b>Author</b>	<b>Comments</b>
1980 - Jul 11	Permit	Scientific Permit 80-22-F	Robert W. Moshenko - DFO	Permit issued under Section 4 of the Fisheries Act to carry out fisheries studies in the Nahanni Mountains Area.
1980 - Jul 15	Letter	DFO information request - Cadillac Explorations Ltd., Prairie Creek Project Preliminary Environmental Evaluation	DFO	DFO request additional studies on aquatic environment (Prairie Creek and S. Nahanni R)
1980 - Oct	Report	Environmental Evaluation for Cadillac Explorations Ltd. Prairie Creek Project	Ker, Priestman & Assoc.	MVEIRB had identified this document in Appendix 2 of the IR. DFO has a complete copy of the report.
1980 - Dec. 4	Letter	DFO comments of Cadillac Explorations Ltd., Prairie Creek Project Environmental Evaluation	DFO	
1980 - Dec. 11	Letter	DFO detailed comments on Cadillac Explorations Ltd. Environmental Evaluation for Prairie Creek	DFO	
1982 - Feb	Study	Submission to the Northwest Territories Water Board On Possible Chlorination of Sewage at the Prairie Creek Mine	DFO	
1982 - May 21	Letter	DFO letter to the NWT Water Board Re: Cadillac Water Licence N3L3-0932	DFO	Proposed alternatives to sewage disinfection for the consideration of the board.
1992 - Jul 24	Letter of Advice	Land Use Application N92C778 - San Andreas Resources Corp. - Mineral Exploration - Prairie Creek, NT	DFO	DFO provided advice on ways to protect fish habitat and suggested additional protection measures that when implemented will likely avoid negative impacts to fish and fish



1994 - April 21	Report	Nahanni National Park Aquatic Quality 1992 Reports & Prairie Creek Mining Development/Water Licensing	EC & DFO	habitat.
1994 - Jun. 11	Letter of Advice	Letter to San Andreas Resources - Crossing of Prairie Creek - Drill Equipment and Vehicles	DFO	DFO provided advice on ways to protect fish habitat and suggested additional protection measures that when implemented will likely avoid negative impacts to fish and fish habitat.
1995 - Apr. 4	Letter of Advice	Land Use Application N95C373 - Diamond Drilling, San Andreas Resources Corp., Prairie Creek Mine site Area, NT.	DFO	DFO provided advice on ways to protect fish habitat and suggested additional protection measures that when implemented will likely avoid negative impacts to fish and fish habitat.
1995 - May 25	Letter of Advice	Amendment Request for Land Use Permit N95C373, San Andreas Resources Corporation, Prairie Creek, NT 1) Crossing of Prairie Creek 2) Reconstruction of Existing Road along Casket Creek	DFO	DFO provided advice on ways to protect fish habitat and suggested additional protection measures that when implemented will likely avoid negative impacts to fish and fish habitat.
2004	Report	Biological and Habitat Data for Bull Trout ( <i>Salvelinus confluentus</i> ) and Associated Species from Stream Surveys Conducted in the Southern and Central Mackenzie River Valley, Northwest Territories, 2000 and 2001	Mochnac et al., DFO	
2005 - Oct 27	Letter of Advice	Phase III drilling (EA0405-002), DFO letter to Canadian Zinc - Prairie Creek Crossing	DFO	DFO provided advice on ways to protect fish habitat and suggested additional protection measures that when implemented will likely avoid negative impacts to fish and fish habitat.
2007 - July 15	Authorization SC-04-006	Authorization for placement of rock and fill in specific locations within Prairie and Funeral Creeks to facilitate the rehabilitation of the existing winter access road, between KM 0-10.	DFO	Fisheries Act Authorization in relation to MV2007L8-0026 and EA0809-002

2007 - Sept 21	Letter	Comments to the MVLWB on MV2007L8-0026 -	DFO	DFO provided comments on draft WL Terms & Conditions including mention that the project requires Authorization under the Fisheries Act and DFO's Operational Statements provided;
2007 - Oct 29	Letter	DFO to INAC - Crown Land Application 95 G/2-1 (SC03074) DFO to MVLWB - Land Use Permit Application MV2003F00258 (SC03074)	DFO	DFO recommends that if Licence of Occupation is Let, it be restricted to winter use only, and if WL is issued it should only be for km 0-10.
2008 - Feb 5	Letter of Advice	DFO to CZN - Harrison Creek Crossings,	DFO	DFO identified additional mitigation measures to be conducted in conjunction with the removal of culverts and replacement with span bridges.



Environment Environnement  
Canada Canada

Environmental Protection Operations  
5204 - 50<sup>th</sup> Avenue Suite 301  
Yellowknife NT X1A 1E2

December 11, 2008

Our file: 4780 006  
Your file: EA 0809-002

Alistair MacDonald  
Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
P.O. Box 938  
Yellowknife NT X1A 2N7

[amacdonald@reviewboard.ca](mailto:amacdonald@reviewboard.ca)

**Re: EA 0809-002 – Canadian Zinc Corporation Prairie Creek Mine – Response to Information Request IR0809-002-04**

Enclosed please find Environment Canada's response to the Information Request IR0809-002-04 as issued by the Mackenzie Valley Environmental Impact Review Board on November 26, 2008.

Please do not hesitate to contact me at (867) 669-4735 or by email at [anne.wilson@ec.gc.ca](mailto:anne.wilson@ec.gc.ca) with any questions or comments.

Yours truly,

*Original signed by*

Anne Wilson  
Water Pollution Specialist

cc: Carey Ogilvie (Head, Environmental Assessment - North, EPOD)  
Mike Fournier (Northern Environmental Assessment Coordinator, EPOD)  
Jane Fitzgerald (Environmental Assessment Coordinator, EPOD)

**IR Number:** IR0809-002-04  
**Source:** Review Board  
**To:** All Interested Parties  
**DAR Section:** n/a  
**Terms of Reference Section:** n/a

**Request:**

Provide for the Review Board's public record the following:

Any documents in your organization's possession or readily accessible by your organization, not including those listed in Appendix 1, that may be of assistance to the Review Board in ruling on the appropriate scope of development for the Prairie Creek Mine EA. Special effort should be spent locating the documents listed in Appendix 2 if their location is known to your organization.

This request is not limited to submission of the documents listed in Appendix 2; the Review Board recognizes this is not an exhaustive list. It is up to individual organizations to provide any other documents they deem potentially relevant to the determination of the scope of development.

The Review Board is particularly interested in any documents that speak to the historic scope of development for the Prairie Creek Mine – both in relation to on-site infrastructure/nature of the proposed mining development and the structure and use of the winter road – as described in:

- environmental impact assessment or baseline studies or reports,
- Land Use Permits or Water License applications and supporting materials,
- Any other correspondence related to these applications, and
- Land Use Permits and Water Licenses themselves, including extensions or any authorizations made by other government departments or regulators.

Where only part of a document or submission can be located, this should be identified for the record.

The timeline for these documents, as far as the Review Board knows, goes back to approximately 1979 for any formal applications, and to 1975 for any environmental baseline studies.

**Response:**

Environment Canada (EC) has gone through our files related to the Prairie Creek mine site, which date back to 1975, when the site was being developed by Cadillac. Attached is a list (Table 1) of EC's documents available from records that may have relevance to EA0809-002.

Environment Canada would be pleased to make these materials available to the Board upon request for scanning or copying.

**Table 1:** Potentially relevant documents related to EA 0809-002 held by Environment Canada.

No.	Date	Document Description/Title	Originator
	<b>1975-1985</b>		
1	1975	"Cadillac Exploration Ltd., Prairie Creek Operation, Potential Mine Water Quality Survey Network; Report Series 1975"	Roycroft and Sutherland
2	Unknown (at least Sept 1980)	"Cadillac Exploration Ltd. Prairie Creek; Definitive Feasibility Study"	Kilborn Engineering Ltd.
3	Oct 1980	"Environmental Evaluation for Cadillac Explorations Prairie Creek Project" (Complete Document; see MVEIRB rfr # 3)	Ker, Priestman & Associates
4	30 Oct 1980	Water License application and Questionnaire (N3L3-0932)	Ker, Priestman & Associates
5	17 Dec 1980	Letter to the NWT District Office regarding RMC' position on the need to refer the project to the EARP process	Environment Canada
6	8 Apr 1981	"Summary of Project Status, Cadillac Exploration Ltd."; Prepared for the water license hearing on 21 April 1981	Ker, Priestman & Associates
7	30 Apr 1981	Cover letter and "Further 1981 Aquatic Studies Related to the Cadillac Mines Development" (see MVEIRB Ref# 6)	Ker, Priestman & Associates
8	17 Aug 1981	Letter to Water Resources Division regarding a Site Inspection on August 10, 1981	INAC
90	Sept 1981	"Fisheries and Invertebrate Studies, 1981"	Beak Consultants
10	15 Dec 1981	Water Authorizations Nos.: N3A3-0872 (Underground Development), N3A4-0873 (Camp), and N3A3-1013 (Wash Plant)	INAC
11	31 Dec 1981	<i>Draft N3L3-0932 License</i>	INAC
12	Dec 1981	"Fall Fisheries Study, 1981"	Beak Consultants
13	Feb 1982	"Summary Document, Prairie Creek Project, Water Quality and Aquatic Biology" (Contained partial of MVEIRB rfr # 4, including title page; see Section D)	Beak Consultants
14	10 Feb 1982	Inspection Report on Prairie Creek (Water Register: N3L3-0932, N3A3-0872, N3A4-0873, N3A3-1093)	
15	8 Mar 1982	Letter to NWT Water Board regarding Industrial Effluent Quality Criteria	Ker, Priestman & Associates
16	1 Apr 1982	"Oil and Toxic material Spill Contingency Pal, Cadillac Exp. Ltd."	Cadillac
17	31 Mar 1984	Letter to INAC regarding Water License N3L3-0932, Treatment of Prairie Creek Mine Water	Procan Exploration Company
18	16 May 1985	Letter to NWT Water Board Regarding Water License N3L3-0932	Cooper, Johnson, Wilson, Hardy & Fournier
19	17 May 1985	Letter to Coopers and Lybrand Limited regarding Water License	NWT Water

		N3L3-0932	Board
29	21 Aug 1985	Inspection Report on Prairie Creek Minesite (N3L3-0932)	INAC
21	24 Oct 1985	Inspection Report on Prairie Creek Minesite (N3L3-0932)	INAC
22	Date Unknown	"Aquatic data Collected in 1981-1982 at Prairie Creek, NWT"	Environment Canada
	<b>1991-1995</b>		
23	9 Sept 1991	Inspection of Prairie Creek Minesite	INAC
24	Aug 1994	"1993/94 Annual Report on Aquatic Quality Monitoring Nahanni National Park Reserve, NWT"	Environment Canada
25	6 Mar 1995	Application for Land Use Permit (N95C373)	San Andreas
26	31 Jul 1995	"Water and Sediment Quality Monitoring: Nahanni Park 1994 Water and Sediment Quality Objectives Compliance"	Environment Canada
27	8 Aug 1995	Annual Inspection Report – Prairie Creek Minesite, Water use/Waste Disposal and Storage	INAC
	<b>Related to MV2000C0030</b>		
28	26 Jan 2001	Environmental Assessment Report for Mineral Exploration Drilling Program, MV2000C0030 / EA00-002	Canadian Zinc
29	26 Jan 2001	Environmental Assessment Report for Fuel Cache Recovery Program, MV2000C0030 / EA00-002	Canadian Zinc
30	3 Jul 2007	Final Plan, MV2000C0030	Canadian Zinc
	<b>Related to MV2001C0022</b>		
31	7 Jun 2001	Environmental Assessment Report, Phase II Mineral Exploration Drilling Program, MV2001C0022 / EA01-003	Canadian Zinc
	<b>Related to MV2001C0023</b>		
32	21 Jun 2001	Environmental Assessment Report, Underground Decline development and Exploration Drilling, MV2001C0023 / EA01-002	Canadian Zinc
	<b>Related to MV2001L2-0003</b>		
33	30 Aug 2001	Interim Report: Fisheries Survey of Prairie Creek Watershed	N.J. Mochnacz, U of M
34	18 Aug 2006 – 5 Nov 2008	Reports of Surveillance Network Program Data, MV2001L2-0003 (23 documents)	Canadian Zinc
35	6 Oct 2006 – 16 Jul 2007	Inspection Reports, MV2001L2-0003 (3 documents)	INAC
36	20 Apr 2006 – 14 Nov 2007	Reports of Waste Rock Pile Monitoring Data, MV2001L2-0003 (3 documents)	Canadian Zinc
	<b>Related to MV2007L8-0026</b>		
37	15 Oct 2008	Report of Surveillance Network Program Data, MV2007L8-0026	Canadian Zinc



Parks Canada    Parcs  
Canada        Canada

145 McDermot Ave.  
Winnipeg, MB  
R3B 0R9

December 12, 2008

Alistair McDonald  
Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
Box 938, 5102 – 50<sup>th</sup> Ave.  
Yellowknife, NT  
X1A 2N7

Re: EA 0809-0002 IR - 04

Dear Mr McDonald,

I am writing in response to your information request of November 26, 2008. Information Request number four requested documents potentially relevant to the determination of the scope of development by the Mackenzie Valley Environmental Impact Review Board. Most documents held by Parks Canada that may be relevant to this information request are also held by Indian and Northern Affairs Canada. It is our understanding that Indian and Northern Affairs Canada will be submitting these documents. One additional document may be useful to your deliberations (Rescan Environmental Services Ltd. 1994. "Prairie Creek Project: Project Description Report." Document prepared for San Andreas Resource Corporation. December 1994. Vancouver, Canada.) We are sending a hard copy of this document to you.

If you have any questions, please contact me at [katherine.cumming@pc.gc.ca](mailto:katherine.cumming@pc.gc.ca) or (204) 984-1929.

Sincerely,

Katherine Cumming  
Environmental Assessment Scientist

Canada<sup>131</sup>

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