



November 3, 2008

Alistair MacDonald
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
5102 50th Avenue,
Yellowknife, NT
X1A 2N7

Dear Mr. MacDonald

**RE: Environmental Assessment EA0809-002, Prairie Creek Mine
Comments Regarding Scope**

Canadian Zinc Corporation (“CZN”) is pleased to provide these comments on the suggested scope for environmental assessment (“EA”) EA0809-002. We provide what we believe to be relevant information, comments on submissions made by government agencies, and answer the scoping questions posed.

COMMUNITY VIEWS

In the recent scoping sessions held in the Communities, two clear and consistent themes emerged:

- Protection of water quality is paramount; and,
- Jobs and economic activity are sorely needed in the Deh Cho region, and the Mackenzie Valley Environmental Impact Review Board (“MVEIRB”) was strongly encouraged to undertake a very focussed and efficient EA.

As such, we believe that the community sessions have demonstrated that there is considerable local community support for the Project and there is not significant public concern.

Consequently, CZN believes the MVEIRB should base the ultimate scoping decision on these themes. The Prairie Creek Mine already exists and the mine and winter road were previously permitted. A considerable amount of further investigation and assessment has occurred since (refer to CZN’s letter of October 17, 2008). The site is, and will continue to be, closely scrutinized by the pertinent agencies and inspectors. These facts provide a rationale for the MVEIRB to focus the scope of EA on those elements of the proposed development that are different and have not been assessed previously.

During preliminary screening of CZN's applications, letters of support for the project were received from the Liidlii Kue First Nation ("LKFN", Fort Simpson, population 1,163 (2001 census)) and the Acho Dene Koe First Nation (Fort Liard, population 530). The majority of residents of the communities of Nahanni Butte (population 107) and Wrigley (population 165) are also in favour of the project provided the environment is protected. CZN has recently entered into Memoranda of Understanding ("MOU") with the LKFN and the Nahanni Butte Dene Band ("NBDB"), and will continue to have an open dialogue with the Bands and the Deh Cho First Nations leadership on issues associated with the development during EA process, permitting phase and construction and operations.

REGULATORY PROCESS

There has been much review and discussion over the last few years about the regulatory processes in the north, and how they can be streamlined and made more efficient. The most recent review by Neil McCrank, Special Advisor to the minister, had a number of recommendations. In terms of process improvements, comments made included: "*Much discussion surrounded the length of time required to move applications through the regulatory process*"; and, "*There is obviously a need for a more efficient process*". We do not present these remarks to be confrontational, but to serve as a basis to ask 'How can the process be made more efficient?' We suggest an answer is contained in the Review Board's EIA guidelines. Section 3.9 titled 'Scoping the Issues' states that: "*efforts are made early on to identify the most relevant issues, because of the need to focus resources on assessing the important issues*". Therefore, CZN respectfully recommends that the MVEIRB focus on the important issues, which from the community meetings are those relating to water quality.

As you are also aware, there is another regulatory process after EA associated with permitting, presuming the MVEIRB recommends that the project proceed and the Minister of Indian and Northern Affairs Canada ("INAC") agrees. CZN has seen in past EA's, and sees again in scoping submissions, a tendency for some government agencies to recommend the assessment of all of their issues within their regulatory mandate at the EA stage rather than separating them into those appropriate for EA and those appropriate for the permitting stage. We feel this is unfortunate as it 'clogs' the process, and inevitably lengthens it.

Another issue that unduly lengthens the process is that of "cumulative effects". Some would like the definition of a cumulative effect to cover repetitive actions of the same project. The intent appears to be to make the definition so broad that it becomes a 'catch-all', so that if issues are not deemed worthy of assessment at the development-specific level, they can still be assessed as part of cumulative effects. This is not what cumulative effects assessment is intended to be, and again, the consequence would be an inappropriately lengthened process. Appendix H of the EIA guidelines provides the relevant definition, as follows: "*The Review board uses the term "cumulative effects" to refer to the effects of a proposed development in combination with other human activities. This is distinct from the combined effects of a single project, where different impacts from the same project may interact in a synergistic or additive way. Effects that arise in conjunction with other impacts from the same development should be included in the appropriate subject area in the development-specific (non-cumulative) part of the assessment*". In CZN's

opinion, the only true potential cumulative effect from the proposed development is that of water quality and the South Nahanni River in terms of discharges from both Prairie Creek and the Cantung Mine. There are no other significant industrial projects in the watershed.

CZN'S GENERAL VIEWS

The Prairie Creek Mine Project is unique in that the site already has the major portion of the infrastructure development that will be used in operations, and was fully permitted in 1982 after an EA process managed by INAC. The footprint of the development already exists, and has been the subject of six further EA's since 2001. CZN believes the new EA process should focus on the specific changes proposed to the previously permitted development.

In 2005, the Supreme Court of the NWT ruled that CZN's new permit application for a winter road was grandfathered and is exempt from EA (Part 5 of the Mackenzie Valley Resource Management Act ("MVRMA")) because a permit existed prior to 1984 (unlike the De Beers Gatcho Kue pre-existing winter road that did not have a permit prior to 1984), and the proposed development was considered to be the same undertaking. CZN received and holds a current Land Use Permit ("LUP") to operate the winter road, the use of which is administered by INAC inspectors and the Mackenzie Valley Land and Water Board ("MVLWB"). The original road permit was for mine construction and the annual movement of concentrates out of the mine, and supplies into the mine. CZN plans to use the road for this same undertaking. Therefore, use of the winter road should not form any part of the coming EA. Some reviewers have claimed that, by not applying for a new road permit, CZN is 'project splitting' and attempting to avoid assessment of the road. The facts are that an assessment and permitting process was completed previously for the road, and the MVRMA states that it does not have to be repeated. Notwithstanding this, CZN is open to consultations with local First Nations in terms of accommodations that can be made in terms of minimizing the impacts of road operations. CZN is also investigating ways to minimize impacts associated with creek crossings within the scope of the existing road LUP.

CZN has the option to apply for the same mine project previously permitted by Cadillac, and thus avoid EA based on the grandfathering provision. However, CZN has applied for permits based on the inclusion of modern waste and water management plans. The project was referred to EA based on these "improvements", and CZN is not opposing the referral.

CZN believes the scope of the EA should focus on the specific improvements and changes proposed. This would include the Water Storage Pond, placement of mine and mill waste underground in a backfill mix, the Waste Rock Pile, a water treatment plant and two transfer facilities along the winter road. CZN does not believe it to be appropriate or necessary to include existing mine components, most of which were built by Cadillac, in the scope. Components of the mine already built, and/or that have been assessed in previous EA's, includes the airstrip, mill, flood protection dikes, tank farm, power generation system, incinerator, administration building, accommodation trailers, sewage treatment plant and runoff collection system.

COMMENTS ON SUBMISSIONS

INAC

CZN is in general agreement with the majority of the October 14, 2008 INAC submission. There are a few items we wish to comment on. INAC expects the EA will include impacts to wildlife and wildlife habitat (Scoping Question 1, page 2). CZN is proposing a development that is materially no different from Cadillac's in terms of the potential for impacts to wildlife. This was extensively studied in 1980 (see Ker Priestman project descriptions and the Beak study reports provided separately). Since that time, further studies (2006) and management and mitigation plans (Bear Encounter Protocol, Wildlife Sighting Log, Flight Impact Management Plan) have been adopted with the direct involvement of the territorial government ("GNWT") regional biologist. The mine covers a relatively very small area in an isolated valley. CZN realizes wildlife protection is important, but given the prior studies and mitigations already in place, does not see a need for further environmental assessment, apart from consideration of legislative requirements related to the *Species at Risk Act* (SARA), and the *Migratory Birds Act*.

Comments on socio-economic and cultural issues are given below under the heading 'GNWT'. CZN understands traditional knowledge is an important consideration, and important to First Nations, however CZN feels traditional knowledge is most relevant to the design of a project before construction. As the Prairie Creek mine is already built, we are unsure of the relevance of traditional knowledge to this EA.

Regarding Scoping Question 2, CZN agrees with INAC's position that "*the Review Board scope the development to focus on the proposed changes and additions to the existing infrastructure*". INAC then lists the infrastructure components that should be emphasized, and the list includes the Polishing Pond, Catchment Pond, and use of the Liard Highway and air travel. Changes are not being proposed to these components. The Polishing Pond currently polishes treated water, and this will not change. The Catchment Pond receives all site runoff before discharge to the environment, and will have the same function during mine operations. No differences to the use of the Liard Highway and air travel for crew changes are being proposed compared to Cadillac's plans. The power plant and incinerator are also listed as existing infrastructure components. The changes proposed for these are to replace the old inefficient units with new lower emission models. This is undeniably a positive environmental step. CZN is in the process of confirming the appropriate incinerator for the expected waste stream. Comments on emissions are given below under the heading 'GNWT'.

Regarding Scoping Question 3, INAC refers to paragraph 117(2)(a) of the MVRMA and consideration of cumulative effects. INAC's view is that "*the winter road and any future plans for exploration Canadian Zinc has in the Prairie Creek area are within the scope of the cumulative effects assessment*". However, INAC qualifies this by stating "*conditions or mitigation cannot be retroactively applied to the winter road due to its grandfathered status*". Firstly, paragraph 117 is included in Part 5 of the MVRMA, and therefore the winter road is exempt from consideration of cumulative effects. Secondly, CZN already holds permits for exploration in the area of the mine, and conditions or mitigation cannot be retroactively applied

to these either. Thirdly, future use of the winter road is not cumulative on past uses because it is the same development or undertaking.

Environment Canada (“EC”)

CZN is also in general agreement with most of the October 20, 2008 EC submission, but has comments. EC state that: *“the scoping of the assessment should be done in a much broader context; taking into account such overarching factors as the cumulative effects likely to result from the project, as well as climate change effects”*. CZN accepts there is a potential cumulative effect from water discharge from the mine, but feels this is the only potential cumulative effect that should be assessed in the EA. CZN also accepts there may be some climate change effects on the mine, and has addressed these in the water management plan.

EC state that: *“the legislative framework and environmental conditions have changed considerably in the last 26 years”*. We note that, while there is no expiry date for the Part 5 exemption in the MVRMA, CZN will be required to comply with all applicable legislation at the permitting stage. We agree that environmental conditions have changed, hence our development of new waste, water and closure plans.

CZN undertakes to fulfill all obligations relating to the *Species at Risk Act* (“SARA”). Important SARA species in the area of the mine or potentially in the area include caribou, grizzly bear, wolverine and peregrine falcon. These species were considered during the Phase 3 drilling EA (the Project Description was part of EA0405-002 and should be added to the public record for this EA). CZN will review this and new data relating to SARA species, and develop any appropriate mitigation plans in consultation with EC and the GNWT.

Regarding scope of the project and cumulative effects, we reiterate that use of the road is exempt. We also do not agree that the voluntary remediation of the relatively small quantities of soils contaminated with hydrocarbons (estimated to be 75 m³ at Cat Camp and 20 m³ at Grainger Camp by EBA Engineering Consultants Ltd in 2007) constitutes a potential cumulative effect, or is a sufficiently significant issue worthy of consideration in the EA.

EC state that: *“An assessment of air quality from equipment use, incineration, and dust generation should be included in the scope”*. The changes CZN is proposing include the replacement of old, inefficient gensets and an incinerator with low emission models. Further comment is given below under the heading ‘GNWT’.

EC state that: *“the proponent should demonstrate that the existing baseline data are sufficient in comparability and length of record”*. The Prairie Creek project is quite unique in that extensive baseline studies were completed prior to the 1982 Water Licence, and have been added to and updated since prior to the proposed operations. As such, the existing baseline study record is considerably more comprehensive and longer than the norm for projects at this stage.

DFO

CZN is in general agreement with the majority of the October 20, 2008 Fisheries and Oceans Canada (“DFO”) submission. Our only comment is in relation to cumulative effects and activities along the winter road. As stated above, road activities are considered to be development specific (non-cumulative), and exempt from EA.

Parks Canada

CZN is in general agreement with Parks Canada’s October 20, 2008 scoping submission. CZN has a few comments. In its remarks on the scope of EA, Parks Canada recommends that all physical works and activities be included, specifically the use of existing infrastructure. While we understand this position, we also feel the results of previous studies should be taken into account in order not to, in MVEIRB’s own words, ‘re-invent the wheel’.

Parks Canada’s reference to ecological integrity as a basis for assessment is interesting, and probably appropriate. CZN’s intends that its plans do in fact preserve such integrity outside of an appropriately-sized area of localized ‘effect’. However, there may be some predicted loss of integrity outside of the localized area, and in that case, it will be appropriate to determine the magnitude of the loss and its significance.

Regarding Parks Canada’s ‘minor’ issues in Appendix 2, CZN believes it has addressed some of these issues already in past assessments (wildlife, non-native species), and looks forward to consulting with them in future to resolve others in a collaborative fashion.

GNWT

CZN found the October 20, 2008 scoping submission by the GNWT to be lacking in its understanding of project history. The submission largely ignores previous assessments, and the important Supreme Court ruling on the winter road. The submission is not considered to be appropriate for this point in the regulatory process because it is a mixture of assessment, scoping views, and detailed advice relevant to the permitting phase.

GNWT discuss Woodland caribou in the context of road access and hunting pressure. They state that: *“the proponent needs to have a comprehensive plan for monitoring and mitigating the potential effects the development may have on the Nahanni complex caribou herd”*. In terms of assessment, CZN already has a grandfathered road permit. Further, impacts on caribou, and monitoring and mitigation, were reviewed and implemented recently as part of the Phase 3 drilling EA. A survey was completed, a Flight Impact Management Plan was prepared, and an electronic wildlife sighting log was adopted, all after review by the GNWT regional biologist. Terms and conditions specific to wildlife protection were incorporated into the winter road and Phase 3 drilling land use permits. None of this is mentioned by GNWT in their submission. GNWT mention the ‘development’. The development is already built, the footprint will not change. CZN has no problem reviewing monitoring and mitigation plans and adjusting them as

necessary, and this too can be incorporated into permit terms and conditions. However, we do not believe there is a basis or need for further study of caribou in the EA.

GNWT refer to wildlife safety and the winter road, and suggest a need for a wildlife management plan, safety measures, and a wildlife reporting system, amongst other items. Again, the fact that a road permit already exists is ignored. Also, it appears the author is not aware of CZN's approved Controlled Road Use Plan, on file with the MVLWB. The plan addresses most of the issues raised. The plan was reviewed by GNWT. Their responses are attached and illustrate that the subject matter has been covered before.

GNWT discuss SARA listed species, and state that they must be considered during EIA. Caribou, wolverine, Dall's sheep and grizzly bear were considered during the Phase 3 drilling EA. Birds are the responsibility of Environment Canada, so will not be discussed here.

GNWT refer to a wildlife management plan (existing) and the need for a waste management plan (for food and garbage), and that these plans should be reviewed or developed in collaboration with the GNWT Environment and Natural Resources regional biologists. CZN has no problem with this; it is the path CZN has already taken with project activities and camp operations. However, we believe this is more appropriately a permitting stage discussion and not an issue worthy of consideration for EA. CZN has the same opinion in connection with medical/health services, potential negative social/health impacts, hazardous waste management, waste oil, asbestos and an on-site bioremediation cell.

GNWT cite the presence of the Cantung and Howards Pass projects within the range of the Nahanni Complex caribou herd, and the potential release of lead and zinc, as reasons for including wildlife cumulative effects in the EA. Cantung is approximately 190 km from Prairie Creek, and Howards Pass is further. The footprint of the Prairie Creek mine is small relative to the region and already in existence, and the winter road is already permitted. Lead and zinc concentrates will be transported in sealed bags in winter time. Therefore, we do not see the rationale for inclusion of wildlife cumulative effects in the EA.

Regarding socio-economics, there is no doubt that operation of the Prairie Creek mine will bring much needed jobs and economic benefits to the region. Many of the questions posed by GNWT and requests for more detail are answered in the text of the Project Description Report (PDR). CZN is continuing with education scholarships and supporting training programs. The recently signed MOU signed with the LKFN has provisions for education and training, as does the MOU between the NBDB and CZN.

Regarding cultural/heritage resources, CZN has conducted two searches of the Prince of Wales Northern Heritage Centre database previously, and no records of resources in the area were found. None have been brought to CZN's attention, or their presence suggested. We note that this information was provided in previous EA's, and no further studies were required by the MVEIRB.

Regarding project emissions and air quality, gas emission sources from mine operations will be primarily the power generating sets and the incinerator. CZN is aware that there are territorial and federal requirements that emissions from these sources must comply with. CZN will select, and design the configuration of, appropriate units, and provide predicted emissions data from them to demonstrate that they will be compliant with requirements. In terms of particulate emissions on the mine site, CZN considers this to be an operations management and worker health issue. Mitigation strategies will be included in operating plans and all Workers Compensation Board (“WCB”) requirements will be met.

Regarding trucking weights, corridor contamination impacts and terrain, CZN is aware there may be issues with use of the Liard Highway and has initiated dialogue with the Department of Transport. However, we do not agree that corridor contamination impacts ‘will likely occur’, or that there is a ‘high probability of leaching contaminants’ from the Liard Transfer Facility. Mitigation and management plans will be specifically aimed at avoiding such issues. CZN already has an approved Controlled Road Use Plan for the winter road, and this plan will be modified at the permitting stage to include the Liard Highway.

SCOPING QUESTIONS AND OTHER COMMENTS

CZN’s views on the scoping questions are appropriately addressed by the October 14, 2008 submission from INAC, apart from those items in the submission that CZN comments on above. Please refer to CZN’s letter of October 17, 2008 for a description of documents CZN recommends be included on the public record for this EA.

As stated above, the main concern in the Communities proximal to the mine site is the protection of water quality. CZN plans to present a detailed assessment of water quality and related issues in the Developer’s Assessment Report. We are confident that this assessment will address the concerns expressed and provide re-assurance that the proposed mine development plans will not significantly impact the environment during operations and after mine closure, and in fact we expect the assessment will demonstrate that environmental protection will be improved from the current status.

In closing, CZN welcomes an appropriate, efficient and procedurally fair EA process that focuses on the review of the new waste and water management plans, and closure plan. We believe the scope of EA should not include aspects of the mine or the project that were previously permitted, already built, or assessed and approved in past EA’s.

Yours truly,
CANADIAN ZINC CORPORATION



David P. Harpley, P. Geo.
VP, Environment and Permitting Affairs



Northwest
Territories Environment and Natural Resources

MAR 21 2007

Mr. Williard Hagen
Interim Chair
Mackenzie Valley Land and Water Board
PO BOX 2130
YELLOWKNIFE NT X1A 2P6

Dear Mr. Hagen:

Land Use Permit MV2003F0028
Winter Road, Prairie Creek Mine to Liard Highway

The Department of Environment and Natural Resources (ENR) has reviewed your letter dated March 1, 2007, regarding questions on:

- 1) Could a "no-hunting" corridor be established for the winter road? If so, what would be the process and timeframe to establish such a corridor?
- 2) What other strategies could the Government of the Northwest Territories (GNWT) employ to mitigate potential impacts to wildlife along the winter road?
- 3) Does the GNWT have any specific recommendations regarding protection of wildlife habitat that could be relevant in setting Land Use Permit conditions?

ENR understands that Canadian Zinc Corporation (CZN) is reopening a previously permitted and used winter road corridor that underwent an environmental assessment in the early 1980s. After only two years of use, the road was closed but remains today, after 25 years, visible on the landscape predominantly covered with early successional species. Construction, use and restoration of the winter road will occur from December to March for the period of the license. A 37 kilometre segment of all-weather road will also be upgraded for use, predominantly in conjunction with the winter road season but possibly for other project related activities year-round, with rehabilitation occurring August to September.

Question 1

The GNWT has the ability to limit hunting along roads for two separate reasons. The first reason would arise from concerns over public safety. For example the no hunting corridor along the Ingraham Trail, which is established by GNWT's Department of Municipal and Community Affairs under the *Area Development Act*. As there is no human habitation along the proposed winter road, human safety is not believed to be the primary concern in this case.

.../2



The second reason is for wildlife management through section 18(2) of the *Northwest Territories Wildlife Act*, which provides for the designation of a portion of one or more wildlife management units as (f) a special management area. As such the GNWT through the *Wildlife Act* does have the legal authority to restrict hunting along roads for the purpose of wildlife management.

Special management areas are designated by regulation under the *Wildlife Act*. The creation of regulations for the *Wildlife Act* is a complex process and ENR would only begin this process, if a wildlife management concern was clearly identified. This concern could either come from technical staff within ENR or as a request from local communities. Due to the Interim Measures Agreement the process would require extensive consultation with the Dehcho First Nation and local communities.

Consultation on new regulations would require a minimum of three to four months, and possibly longer depending on the outcome of the discussions. The timeframe for writing the new regulations would be an additional three to four months. Thus the entire process would take six months to several years. It needs to be noted that depending on the issues raised in consultation the recommendation at the end of the consultation process could be to not create a special management zone.

Question 2 and 3

The winter road corridor is known to traverse habitats utilized by a number of wildlife species including caribou, moose, grizzly bear, black bear, wolverine, bison and Dall's sheep. The corridor also encompasses the transition from boreal woodland caribou habitat to mountain caribou habitat.

Wood bison, boreal and mountain caribou are listed under the federal *Species at Risk Act* whereas grizzly bear and wolverine are species listed by Committee On the Status Of Endangered Species In Canada, as requiring special management attention due to their vulnerability to disturbance and sensitivity to landscape change.

Roads, both all-weather and winter, have the potential to affect wildlife and wildlife habitat in the following ways:

- Direct mortality through vehicle collisions;
- Increased hunting pressure through facilitated access into the project area;
- Reduced habitat use in the zone of influence around the road because of vehicular traffic;
- Habitat fragmentation from the creation a linear corridor through previously contiguous habitat.

CZN, for the most part, recognizes these potential impacts and provides a number of mitigation strategies to address and reduce them to acceptable levels. These include:

- Implementing a Controlled Road Use Plan including appropriate speed limits and coordination of vehicle traffic on the road;
- Controlling access to the road (although it was not clear to whom access would be denied);
- Maintaining a record of all wildlife sightings on the road.

Along with the proposed “No Hunting Zone” addressed in question 1, these mitigations are a first step towards addressing the potential impacts to wildlife and wildlife habitat concerns that often result from road corridors. ENR would suggest that these measures be augmented in the ways outlined below to ensure that they are adequate for all wildlife species but also species at risk in particular and that these be developed in conjunction with our Dehcho Regional Biologist:

- CZN should include in their Controlled Road Use Plan:
 - A mechanism for truck and other vehicle operators to report to each other wildlife sightings so that vehicle speed can be sufficiently reduced and proper attention given to passing wildlife;
 - A protocol for operators to follow when wildlife is encountered that emphasizes that wildlife have the right-of-way and should be allowed free passage with minimal disturbance;
 - Management of the volume of traffic by considering the pulsing of traffic (i.e. having convoys) rather than a continuous disturbance from a stream of traffic.
- Along with a record of all wildlife sightings along the road, observations should be noted on wildlife response to the traffic and Global Positioning System location should be included where possible.
- As upgrading of the all-weather road will occur in late summer/early fall, disturbance of wildlife, mountain caribou and Dall’s sheep are perhaps of most concern. A reconnaissance of the area should be undertaken prior to activities commencing. In the event that animals move into the area, activities should stop temporarily to allow free passage and minimal disturbance of wildlife.

Lastly, ENR strongly urges CZN to commence baseline wildlife studies along the road corridor and other project areas to support future development activities at this site. This type of work would greatly enhance the understanding of wildlife activities in the area and how it has changed from when initial studies were undertaken in the early 1980s.

Should you have any questions regarding the above, please contact Mr. Jason McNeill at 920-8071.

Sincerely,


R.P. Bailey
Deputy Minister



September 7, 2007

Tyree Mullaney
Regulatory Officer
Mackenzie Valley Land and Water Board
P.O. Box 2130
Yellowknife, NT X1A 2P6

VIA EMAIL

Dear Ms. Mullaney,

CANADIAN ZINC CORPORATION, MV2003F0028
Plan Submission and Review – Controlled Road Use Plan, Winter Road
Prairie Creek Mine to Liard Highway.

The Department of Environment and Natural Resources (ENR) has reviewed the above Controlled Road Use Plan based on its mandated responsibilities under the *Wildlife Act*, the *Forest Management Act (FMA)* and the *Environmental Protection Act (EPA)* and has the following comments. ENR has also included comments on behalf of the Department of Transportation (DoT).

Project Description

The Mackenzie Valley Land and Water Board (MVLWB) approved the Canadian Zinc Corporation's (CZC) Type A Land Use Permit application for a period of five years commencing April 11, 2007 and expiring April 10, 2012. The Permit allows for the "rehabilitation, maintenance, and use of a winter road connecting Prairie Creek Mine site to the Liard Highway". As per condition 26(1)(q), subsection 57, CZC has submitted their Controlled Road Use Plan for consideration. The Controlled Road Use Plan should include, but not be limited to: "Methods and techniques to be used during operation of the road to minimize impacts to wildlife and wildlife habitat".

Specific Comments / Recommendations

ENR and DoT have the following specific recommendations, concerns and comments regarding CZC's Controlled Road Use Plan:

- The proponent should specify authorized road uses and users, and should also detail the consequences of unauthorized road use.
- The proponent indicates that appropriate maximum speeds and driving guidelines for each segment of the road will be determined prior to the road opening. If specific speed limits cannot be determined at this time, it is requested that the range for speed limits be provided in conjunction with a generic set of guidelines. There is also no indication of the seasonal variability of speed limits, nor of signage requirements along the road.
- The proponent states that “it is assumed that road users are aware of and familiar with CZC’s Fuel Spill Contingency Plan”. ENR requests that the proponent provide details on how the Contingency Plan will be made available to all road users, and ensure that the Monitor is fully aware of CZC procedures as outlined in the Contingency Plan.
- The Fort Liard, Nahanni Butte, and Fort Simpson airports could play an important role as staging airports in the case of an airborne rescue. If these airports are included in the response procedures, it is important that the proponent correspond with DoT to ensure that its emergency plans are modified to include CZC contacts and radio frequencies.
- The proponent indicates that Fort Nelson, BC and Fort Simpson, NT emergency services will be used in the case of an accident. ENR and DoT request that the proponent include confirmation from the health authorities and RCMP in these communities that they are aware that they might be called on in an emergency, and that they agree to respond in the case of an emergency. If this confirmation has not yet been received, ENR and DoT suggest contacting the Deh Cho Regional Health Authority and the RCMP for advice on proceeding with emergency response plans. For further information on the provision of ground ambulance services on NWT roads, please consult:

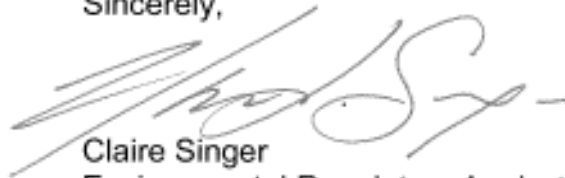
http://www.maca.gov.nt.ca/resources/P313_FINAL_Report_November%2014%2006.pdf
- The proponent states that “in the event of an accident of any kind, drivers are required to contact the nearest check-point immediately”. ENR and DoT request clarification on contingency procedures should a driver prove unable to contact the nearest checkpoint.
- Allocation of costs of emergency response are not specified. ENR and DoT request clarification on this matter, and also on allocation of costs and procedures for unauthorized road users.
- DoT is in the process of restructuring their Weigh Scale Network. The installation of a Weigh Scale in Fort Liard is being considered. Data from

the Weigh Scale Network could be shared with CZC to give them advanced warning of incoming traffic.

- The proponent has provided a list of unacceptable practices, however it is not clear as to how and where this information will be presented to road users. Will this information be presented on signs at the mine site and at the gatehouse? If unacceptable practices are encountered, what type of consequences will be given?
- ENR is pleased to note that the GNWT will be notified of any wildlife encounters and that wildlife monitoring information will be passed along to the Regional Biologists. Kilometer markers, communication between traffic, and a well-structured wildlife-sighting log would also prove valuable in collecting information on sightings.
- It would be worthwhile to include background information on this project, as well as a brief description of when initial construction activities are proposed, estimated time frame for winter road use (Dec-April), and a map of the proposed route.
- It is also requested that a map designating the various segments along the road be included.

Should you have any questions regarding the above, please contact Claire Singer, Environmental Regulatory Analyst at 920-6591.

Sincerely,



Claire Singer
Environmental Regulatory Analyst
Environmental Assessment and Monitoring
Environment and Natural Resources

C. Nic Larter
Regional Biologist
ENR – Deh Cho Region

Michel Lafrance
Regional Superintendant
Transportation – Fort Simpson Region

Ken Lambert
Regional Environmental Protection Officer

ENR – Deh Cho Region

Erika Nyyssonen
Industrial Technologist – Mining
Environmental Protection

MVLWB Registry

From: Claire Singer [Claire_Singer@gov.nt.ca]
Sent: Friday, September 07, 2007 5:05 PM
To: permits@mvlwb.com
Subject: MV2003F0028 CZC Controlled Road Use Plan

Hi Tyree,

Please find attached ENR and DoT comments on CZC's Controlled Road Use Plan (DoT was not on the distribution list, and so are sending comments to me for inclusion in our letter). Thanks,

Claire

<<ENR Comments - MV2003F0028 Controlled Road Use Plan - Sept07-07.pdf>>

Claire Singer
Environmental Regulatory Analyst
Environmental Assessment & Monitoring
Environment & Natural Resources, GNWT
4915-48th St. 3rd Fl, YK Centre East
Yellowknife, NT X1A 3S4
Phone: (867) 920-6591
Email: claire_singer@gov.nt.ca