



VIA EMAIL

AUG 24 2016

Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre - 5102-50th Ave.
Yellowknife, NT X1A 2N7

Dear Mr. Cliffe-Phillips:

**RE: Canadian Zinc Corporation – Prairie Creek All Season Road (EA1415-01
[2014]) Technical Session Undertaking No. Seven**

The Canadian Northern Economic Development Agency's Northern Projects Management Office ("NPMO") is providing the attached letters regarding the outstanding information required of the Canadian Zinc Corporation (the "Developer") to fulfil its commitments regarding Undertaking #7 outlined in the meeting reports dated June 28 and July 28, 2016 and submitted by the Developer on July 3, 2016 and August 11, 2016, respectively. This includes the completion of a report, comprising information on fish habitat loss and floodplain definitions. The Government of Canada requires this information to proceed in developing information requests as described in the Mackenzie Valley Environmental Impact Review Board ("Review Board") August 19, 2016 note to file and is requesting an extension per the attached letters.

In addition, Undertaking #7 indicates that the Developer and the Departments of Fisheries and Oceans Canada and Parks Canada Agency will engage with the Dehcho First Nation ("DFN") and the Łı́ı́dlı́ Kúę First Nation ("LKFN") regarding fish and fish habitat following the review of this report. Engagement with First Nations is an important component of the environmental assessment process and the Government of Canada notes that with respect to Undertaking #7 this has not yet occurred as technical components are still outstanding. The habitat and floodplain documents are a necessary technical component that will inform any engagement with DFN and LKFN.

The Review Board's attention to this matter is greatly appreciated. Should there be any questions regarding this submission, please contact Adrian Paradis, Senior Project Manager, NPMO at 867-669-2595 or Adrian.Paradis@CanNor.gc.ca.

Sincerely,

Matthew Spence
Director General
Northern Projects Management Office



Fisheries and Oceans Pêches et Océans
Canada Canada

301-5204 50th Ave.
Yellowknife, NT
X1A 1E2

August 24, 2016

Your file Votre référence
EA1415-01

Our file Notre référence
15-HCAA-01626

Mackenzie Valley Environmental Impact Review Board
ATTN: Chuck Hubert
Senior Environmental Assessment Officer
P.O. Box 938, #200 Scotia Centre
5102-50th Ave., Yellowknife, NT
X1A 2N7

Dear Mr. Hubert:

**Subject: Commencement of Second Round of Information Requests for Prairie
Creek All Season Road Project EA1415-01**

Fisheries Protection Program of Fisheries and Oceans Canada (DFO-FPP) would like to request that the Mackenzie Valley Environmental Impact Review Board (MVEIRB) delay the second round of Information Requests (IRs) regarding the Prairie Creek All Season Road Project EA1415-01.

DFO-FPP notes that MVEIRB advised on August 5, 2016 that "Parties will be granted 1 month to submit information requests on any remaining issues after responses to undertakings are submitted to the Review Board." On August 19, 2016, MVEIRB advised that second round information requests would be due on September 23, 2016. DFO-FPP would like to request that the second round of IRs not commence until the proponent Canadian Zinc Corporation (CZN) has provided fisheries information related to a) requests made by DFO and other parties relating to Undertaking 7 and b) recent aquatic habitat fieldwork. CZN had indicated in their correspondence to MVEIRB on August 11, 2016 that this information was expected to be provided in mid-August, but has now committed to September 6, 2016 in an email to DFO-FPP (September 22, 2016).

Undertaking 7 stated:

CanZinc, DFO and Parks Canada will communicate on outstanding information requirements and analysis related to fish and fish habitat loss/gain (including locations of blasting, guidelines and management), to enable DFO to reach a determination and inform the board prior to the hearing phase (before technical reports). DFN/LKFN would like to be part of this conversation as well – but not the initial technical aspects.

The rationale for requesting a delay is as follows:

1. While Undertaking 7 directly speaks to a meeting between CZN, DFO-FPP and Parks Canada (PCA), which occurred on June 28, 2016, with a follow-up meeting on July 28, 2016, the intent of the meeting and therefore the Undertaking was to provide DFO-FPP and other parties with the information necessary to make significance determinations appropriate to the environmental assessment phase of the proposed All Season Road Project. DFO-FPP had identified a number of deficiencies and areas where clarity was lacking regarding project footprint and fish habitat information, including floodplain definitions, that DFO-FPP requires in order to fully understand the significance of the proposed Project impacts on fish and fish habitat. These deficiencies were identified at the Technical Sessions (June 13-16, 2016), in emails to CZN on June 22 and 27, 2016, and at the subsequent meeting between DFO-FPP, PCA and CZN on June 28, 2016. Information in response to Undertaking 7 has not yet been provided, although initial discussions suggested that this would be available the week of July 11, 2016 (Meeting Report provided to MVEIRB by CZN on July 3, 2016). CZN noted to MVEIRB on August 11, 2016 that "Work on this item is continuing, with the agreed goal of completing work to allow DFO to make a determination on fish habitat loss/gain prior to the Hearing phase." As noted in the 2nd Meeting Report provided to MVEIRB on August 11, 2016, CZN "agreed that the summary would be provided by August 19." CZN has amended this deadline to September 6, 2016 in emails to DFO-FPP on August 21 and 22, 2016. Furthermore, information on floodplain definitions provided as part of CZN's response to Undertakings 23 and 24 on August 18, 2016 "is not directly related to fish habitat values" (Allnorth, August 17, 2016, p. 2) and thus does not address DFO-FPP's request under Undertaking 7. DFO-FPP requests the full review period of the second round of IRs in order to review the response CZN is planning to provide for Undertaking 7, and determine if additional clarification from the proponent is required.
2. DFO-FPP understands that, following the Technical Sessions in June 2016, CZN "took the opportunity to collect additional aquatic habitat data, primarily in the area of the proposed Sundog Creek alignment. This work was led by Hatfield Consultants, and will be reported on as part of Hatfield's work in defining overall aquatic habitat loss/gain and a determination by DFO." A preliminary description of this fieldwork was provided in CZN's correspondence to MVEIRB on August 11, 2016 and was also discussed in a meeting with DFO-FPP and PCA on July 28, 2016. DFO-FPP also requests the full review period of the second round of IRs in order to review the final report containing this newly collected fish habitat information, to be submitted by CZN in mid-August, and determine if additional clarification from the proponent is required.

If you have any questions, please contact Julie Marentette at 867-669-4934, or by email at Julie.Marentette@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with DFO-FPP.

15-HCAA-01626

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Curtis', with a large loop at the end of the last name.

Martyn Curtis
A/Regional Manager, Regulatory Reviews
Fisheries Protection Program

COPY LIST:
Julie Marentette (DFO)



Nahanni National Park Reserve
P.O. Box 348
Fort Simpson NT
X0E 0N0

August 23, 2016

Mackenzie Valley Environmental Impact Review Board
4910 50th avenue, 2nd Floor
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Re: Timeline for the 2nd Round of Information Requests for Environmental Assessment 1415-01-Prairie Creek All Season Road Project

Dear Mr. Hubert,

Parks Canada is requesting the Review Board delay the 2nd round of Information Requests for the Prairie Creek All Season Road Project, until all the information associated with Undertaking # 7 is provided to the Board.

Undertaking # 7 stated:

CanZinc, DFO and Parks Canada will communicate on outstanding information requirements and analysis related to fish and fish habitat loss/gain (including the impacts of blasting), to enable DFO to reach a determination and inform the Board prior to the hearing phase (before Technical Reports). DFN/LKFN would like to be part of this conversation as well- but not the initial technical aspects.

It is Parks Canada's understanding that the purpose of Undertaking #7 was to clarify information requirements associated with fish and fish habitat. Based on these discussions there was an expectation among the three parties that information would be gathered and submitted which would quantify the impacts to fish and fish habitat. Parks Canada notes that meetings between Canadian Zinc, DFO and Parks Canada have occurred on June 28, 2016 and July 28, 2016 respectively, however the outstanding information has not yet been provided in order to allow an assessment of the project with respect to impacts on fish and fish habitat.

In addition, Parks Canada requests that supporting baseline information collected during fieldwork in July 2016 is provided and that the full four week window for the 2nd Round of Information Requests is available to review the information.

Canadian Zinc initially indicated that the report on undertaking #7 and field work would be available in mid- July, this submission date was adjusted to August 19, and has further been extended to September 6, 2016. The complex nature of the quantification of impacts to fish and fish habitat as a result of this project requires the proponent to provide the methodology, analysis and results of the assessment of impacts. Canadian Zinc submitted a document to the Board (Allnorth, August 17, 2016) in response to Undertakings 19, 23, 24. This document includes materials that present a visual representation (photographs depicting the habitat parameters) with clearly articulated definitions of: active floodplain, channel thalweg, active braid or secondary channel, old or historic channel, and outside floodplain. Parks Canada notes that the information on fish habitat values and the quantification of fish habitat which is lost or disturbed due to the construction of the all season road has not been provided as required in Undertaking #7.

The *Canada National Parks Act* states that "maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of parks". According to the *Canada National Parks Act*, "ecological integrity" means, with respect to a park, a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes. In other words, Parks Canada is tasked with maintaining all of the naturally occurring species and communities, and the processes that sustain them. This means that Parks Canada's responsibility to maintain the ecological integrity of surface waters includes, but is not restricted to, protection of fish and fish habitat. For instance, degradation and loss of habitat within the active floodplain is of importance to Parks Canada irrespective of whether it is considered to be fish habitat. Parks Canada requires the information from Undertaking # 7 and baseline fish and fish habitat data in order provide a recommendation to the Board on the significance of impacts which may occur as a result of this project.

Parks Canada looks forward to continued participation in the environmental review of this project. If you should have any questions please feel free to contact Allison Stoddart at (819) 420-9188 or allison.stoddart@pc.gc.ca.

Sincerely,



Jonathan Tsetso

Superintendent, Nahanni National Park Reserve