



NAHANNI BUTTE DENE BAND

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24 May 2017

Mackenzie Valley Review Board

Box 938

Yellowknife, NT X1A 2N7

Via electronic mail only: chubert@reviewboard.ca

Closing Arguments

Prairie Creek All Season Road Project, Canadian Zinc

File # EA1415-01

We, the people of Nahanni Butte, provide this letter as our closing arguments for the above noted project.

We acknowledge and accept the words of the Chair of the Review Board from the public hearings in Nahanni Butte on April 24, 2017, as set out in the transcript, page 8, line 24, "*Our goal is to make decisions that will protect the environment including the social, the economic, and cultural well-being of all residents of the Mackenzie Valley now and for future generations.*" (emphasis added).

We understand the Review Board can recommend that...

"...the project can proceed to regulatory permitting and licensing provided some measures are in place or the project should be rejected."

Our community supports this project and we therefore ask that the former option, to proceed with measures, is what the Review Board recommends.

Our Position:

The position of the people of Nahanni Butte, as articulated to the Nahanni Butte Dene Band, which we have previously presented to the Mackenzie Valley Review Board on this project is that:

- A. We support the all season road as this will lead to the opening of the mine, which is in our traditional territory, and as Aboriginal people we believe that we have the right to have the biggest say in what occurs in our traditional territory.
- B. We support the all season road as we see no negative impacts that cannot be easily managed and the positives for our people and our community are significant.
- C. We seek that you place only one condition on your approval of the project – that being that prior to commencement of construction a fully negotiated and executed **Traditional Land Use Agreement** be completed. The proponent has stated in your hearings that they are in agreement with such a condition. Our community and the proponent have been working on such an agreement.
- D. A second possible condition, which we do not know if the Review Board is authorized to make, would be that Parks Canada and other departments and agencies of government be made to cost share some of the base line studies which many parties have spoken about as being necessary. We believe that the value of such work would be of benefit to many, in addition to the proponent.
- E. We ask this Board to proceed with all due haste to complete the review and issue approval of the project as our people and our community need the economic activity and jobs that this project will create all of which will enhance the social, the economic, and cultural well-being of all residents of our community and of the Mackenzie Valley now and for future generations

Our People – Who we are as a people and as a community.

In our language, Dene Zhati, (Slavey) our community is called Tthenaago, which means Strong Rock.

The community is also known as Naha Dehe. Our elders have a clear understanding that the word Nahanni is from the word “Naha” meaning the people that roamed the mountains and the valleys.

The people of Nahanni Butte have always lived their lives on the land and are very traditional in their way of life and understandings. Nahanni Butte is an isolated community that has no road

access during the summer months. Access is available by river taxi or air charter. However during the winter months the community has access by a winter road which is built annually.

The population is 102 according to the 2011 Census, a decrease of 11.3% from the 2006 Census.

Our community is a Designated Authority, one of 9 communities, referred to as designated authority communities, which are First Nations communities within the jurisdiction of the federal government's *Indian Act*, and are not subject to the territorial legislation for municipalities.

Ours is the closest community to the proposed Prairie Creek Mine. The specific subject of this Environmental Assessment, an all season road to the proposed mine will start at the current road that comes close to our community.

The Evidence on Which We Rely

As we advised during the public hearings:

1. The community is behind this project. Indeed a large number of our community members came to Fort Simpson to be seen by the hearing panel and when asked they stood up to show their support for this project.
2. We have been talking about an operational mine at Prairie Creek for generations now. Our elders want this to go ahead now.
3. Our community knows that the value we place on a traditional lifestyle is of great importance to our people today and we particularly wish to instill in our youth the need to maintain this lifestyle. Having a youth camp at the Second Gap, along the proposed all season road, will allow us to open the camp with the degree of safety which is required today in terms of all season road access.
4. There is a safety concern in our community with the airport being only a few hundred metres from homes. With the enhanced economy of an all season road, leading to a mine, will, we believe, allow for a new airport to be built at a safer distance from town.
5. We believe that an all season road, with barge or ice access for most of the year directly into our community, will enhance the safety for all residents and visitors. Air medivacs are not always possible with the varying weather we have being on the edge of the mountains. We are all Canadians and certainly worthy of having access to medical services in an emergency close to what most other Canadians have.
6. We believe that the Obani report offers little, if any, value to your work. The fact that the authors did not even bother to consider the effect of the regulatory environment in the Northwest Territories by researching other industrial roads in the NWT indicates to

us a focus on engineering without regard to the local regulatory environment and industry norms. (At least twice in his telephone evidence at the hearings Dr. Obani mentioned that the Prairie Creek all season road would be operating in the north, in cold weather, and in darkness for much of the year. Yet he did not offer any evidence of how these environmental conditions have been dealt with in the recent past in the NWT.) With all of this we suggest that there is an issue of not setting aside our common sense in favour of an "expert".

7. The people of Nahanni Butte know that there is a risk with possible contamination of the water. For the road we are comfortable that the proponent will, first of all, build the road in a safe manner and secondly they will operate it in a safe manner. The proponent has presented detailed analysis of their current plans for road construction and operation, including kilometre by kilometre details on risk assessment, spill contingency, and much more. We have every expectation that their plans will continually be refined and improved. They clearly appreciate the high importance that the Dene of this region, and indeed all Canadians, place on ensuring that water is of the utmost importance to a healthy society.
8. There could be an impact from hunting pressure from people from outside the region. That can be mitigated by the proponent having land leases at one main river crossing. The other levels of government support this.
9. One specific impact that we do not believe will be a "significant adverse impact" which we wish to address is that of the new channel construction at Sundog Creek. The Nahanni Butte Dene Band has Traditional Knowledge of natural changes in the alignment of creeks in the mountains. We believe that with common sense and just by looking at the creek beds this is obvious to anyone. Rock slides cause creeks to change course all the time. That is just the nature of the mountains being created, built up, and slumping away over time. Our people know, through Traditional Knowledge, that the fish always survive. The care, engineering and science that the proponent will apply will not cause, in our opinion, any "significant adverse environmental impact".

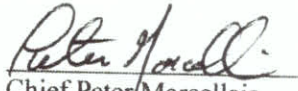
Conclusion

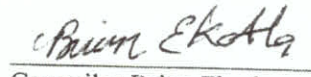
As we said at the hearing in Fort Simpson during the last week of April, 2017, we believe the road should be approved and for the reasons set out herein, once the Review Board has completed its important and necessary work, you will conclude the same.

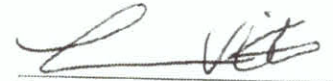
Mahsi Cho

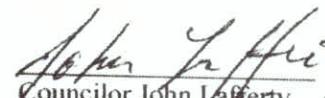


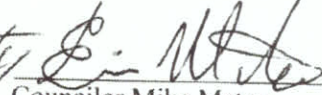
Chief Peter Marcellais

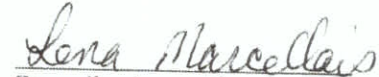

Chief Peter Marcellais


Councilor Brian Ekotla


Councilor Lorraine Vital

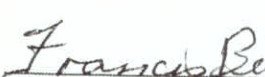

Councilor John Lafferty
(alternate: Jayne Konisenta)


Councilor Mike Matou
(alternate: Eric Matou)


Councilor James Betsaka
(alternate: Lena Marcellais)

Councilor Burton Campbell

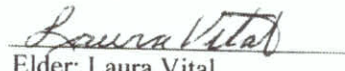

Elder: Elsie Marcellais


Elder: Francis Betsaka



Elder: Flora Cli

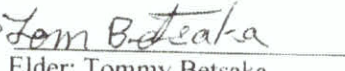
Elder: William Konisenta

Elder: Raymond Vital

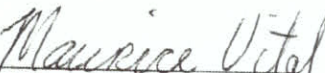

Elder: Laura Vital


Elder: Leon Konisenta


Elder: Jean-Marie Konisenta


Elder: Tommy Betsaka


Elder: Lena Matou


Elder: Maurice Vital