



September 1, 2023

Mr. David Harpley, VP Environment  
NorZinc Corporation  
SUITE 1710-WEST GEORGIA STREET  
VANCOUVER BC V6B 4N9  
E-Mail : david.harpley@norzinc.com

Dear Mr. Harpley:

**Noncompliance with reporting requirements of the approved Wildlife Management and Monitoring Plan for Phase 1 of the NorZinc's Prairie Creek All-season Road Project**

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On October 27, 2017, the Government of the Northwest Territories (GNWT) Department of Environment and Climate Change (ECC; formerly Environment and Natural Resources [ENR]) notified Canadian Zinc (CZN; now NorZinc) that a Wildlife Management and Monitoring Plan (WMMP) approved by the Minister of ECC would be required for the Prairie Creek all-season access road project under section 95 of the *Wildlife Act*.

On July 15, 2022, NorZinc submitted a revised version of the Phase 1 WMMP to ECC and Parks Canada for approval. On August 10, 2022, after a final review, ECC issued an approval with three conditions that were to be met 30 days prior to commencing construction of the Pioneer Winter Road. On October 5, 2022, NorZinc submitted a revised version of the WMMP which included amendments to address the approval conditions, and on October 14, 2022, ECC notified NorZinc that the approval conditions for the WMMP had been met.

This letter outlines ECC's concerns with NorZinc's noncompliance with the bi-weekly reporting requirements of the approved October 2022 version of the WMMP for the Phase 1 - Pioneer Winter Road project. ECC also requests that NorZinc provide an update on the status of other reporting requirements of the WMMP.

Section 10.0 of the approved WMMP outlines the reporting requirements for Pioneer Winter Road (Phase 1) activities:

1. Pre-clearing/pre-construction reports: CZN will submit the results of the *aerial Den and Nest Pre-Clearing Monitoring* (Section 8.1.1) and the *Collared Pika Construction Monitoring* (Section 8.1.2) programs to ECC and Parks Canada prior to the start of WR activities. These reports will include the results of the monitoring surveys and adaptive management actions taken and will be prepared by a Professional Biologist.

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2. Construction report every 2 weeks (in response to ECC's Revision 4 requirement): The QEP will prepare the construction reports, with support from a Dene Monitor and the Construction Manager, and provide to ECC and Parks Canada, at minimum every two weeks, during WR activities. The reports will describe the wildlife mitigations implemented, including the locations of wildlife caution zone signs and number of days in place, wildlife data collected under the various monitoring programs (including a copy of the Wildlife Observation Logs), wildlife incidents, and any adaptive management measures that were triggered and actions taken. Photos of mitigations and other wildlife results will be included, as appropriate.
3. Monthly Harvester Questionnaire report: The QEP will briefly summarize the Wildlife Harvester Questionnaire data and submit to the ROC for their review and consideration. The monthly harvester report will include the number of non-Project vehicles inside and outside checkpoint station hours of operation, community of origin, species, sex, and minimum number of animals harvested, species health, and harvest pressure comments.
4. Annual presentation: CZN will present the results of the WMMP during one of the proposed ROC meetings, which will involve regulators. A second presentation can be made to local Indigenous groups and communities separately in a more culturally-focused manner.
5. Annual report: Prepared by a Professional Biologist and provided to regulators and local Indigenous groups to solicit review of the effectiveness of mitigation measures and, following discussion in ROC meetings, to suggest modifications to mitigation and monitoring plans, as necessary. As per the REA (MVRB 2017; Measure 6-1, Part 3) the Annual report will be provided to Parks Canada, ECC, Environment and Climate Change Canada (ECCC), Nahzà Dehé Dene Band (NDDB), Łíídlı́ Kúé First Nation (LKFN), and Dehcho First Nations (DFN), refer to Section 5.1.1. The Annual report is to include, but is not limited to:
  - a) Project review including the footprint spatial data, post-construction of the WR (refer to Section 7.3).
  - b) Issues of non-compliance, wildlife incidences, and mortalities (including wildlife collisions involving project-related vehicles on the WR and NWT highways).
  - c) Mitigations implemented including locations of wildlife caution zone signage to inform more permanent management options.

- d) Summary of activities conducted under, and results of, the monitoring programs including action level exceedances and adaptive management response to inform subsequent Project phases.
- e) Effectiveness of mitigation and adaptative management, as well as any unforeseen issues and applicable advice from regulators, any changes implemented, and how Dene Knowledge informed these changes.
- f) Updates to the grizzly den habitat suitability model (as required) based on the habitat characteristics at newly detected dens, as well as maps to include new wildlife trails and observations of caribou, Dall's Sheep, large carnivores (bears, wolverine, wolves), moose, and bison. Approved updates to the WMMP, including the monitoring procedures, those informed by Dene Knowledge, Species at Risk status updates (i.e., Table 2 updates and camp Species at Risk posters), and mitigations (e.g., ECC's Woodland Caribou Best Management Practices for Industrial and Commercial Activities (as applicable)).
- g) Effects monitoring schedule for the next reporting period.
- h) Wildlife Observation Logs in a tabular format that includes coordinates or road KPs for submission to ECC's Wildlife Management Information System and to Parks Canada. Also submit the Wildlife Observation Logs to ECC's Wildlife Management Information System ([WMISTeam@gov.nt.ca](mailto:WMISTeam@gov.nt.ca)).
- i) The Wildlife Harvest dataset for submission to Parks Canada.

The Dehcho Land Use Planning Committee, ECC, and Parks Canada (and others as requested) will be provided with the post-Project digital footprint with the annual report. As per the REA (MVRB 2017) Measure 6-1, Part 3 data from the wildlife monitoring programs will be shared with Indigenous Organizations including NDDB, LKFN, and DFN upon request (refer to Section 5.1.1).

With respect to reporting requirement #1, ECC has received a brief Wildlife Research Permit report related to the *aerial Den and Nest Pre-Clearing Monitoring* survey that took place in late fall 2022 (WL501116 Summary report received on April 11, 2023). ECC has not received the results of clearing scans conducted along the mini-mulcher trail in advance of clearance of the full width of the winter road (as described in Section 8.1.1 of the WMMP). On December 12, 2023, ECC received a brief Wildlife Research Permit report (WL501104 Summary Report) for the fall 2022 pre-clearing pika survey.

**ECC requests that NorZinc clarify whether the Wildlife Research Permit Reports provided were intended to meet the requirements of WMMP reporting requirement #1. ECC requests that NorZinc indicate when reports from the results of surveys conducted along the mini-mulcher trail will be provided.**

With respect to Construction Reports that were to be provided to ECC and Parks Canada every two weeks during winter road activities, ECC did not receive any reports. From NorZinc's annual report submitted to the MVLWB, Parks Canada, and CIRNAC on July 31, 2023, ECC understands that construction of the winter road began on October 15, 2022. ECC's Land and Water Division (Dehcho Region) informed the Wildlife Management Division that winter road activities on different portions of the road on territorial lands concluded between March 27 and April 24. This represents roughly 12 bi-weekly reports that were not provided during winter road activities. **ECC requests that NorZinc provide copies of the bi-weekly Construction Reports that contain the specific details outlined in bullet #2, if they exist. If no such bi-weekly reports exist, ECC requests that NorZinc explain why they were not completed.**

With respect to WMMP reporting requirements #3 and #4, **ECC requests that NorZinc provide evidence that the Monthly Harvester Questionnaire reports were provided to the Road Oversight Committee (ROC) as well as an expected timeline for NorZinc to present the annual results of the WMMP to the ROC.**

With respect to WMMP reporting requirement #5, **ECC requests that NorZinc provide a timeline for delivery of the Annual WMMP report.** ECC expects to receive this report prior to NorZinc's formal submission of the WMMP for Phase 2/3 of the all-season road project to ECC and Parks Canada for public review and approval. The Annual WMMP report for Phase 1 activities must address all the items listed under bullet #5 above, as well as including the post-project spatial data for the Phase 1 Pioneer Winter Road alignment.

**NorZinc shall send copies of the bi-weekly Construction Reports and the Annual WMMP report to the following ECC staff:**

- James Hodson ([james\\_hodson@gov.nt.ca](mailto:james_hodson@gov.nt.ca))
- Lara Mountain ([lara\\_mountain@gov.nt.ca](mailto:lara_mountain@gov.nt.ca))
- Ève Lamontagne ([Eve\\_Lamontagne@gov.nt.ca](mailto:Eve_Lamontagne@gov.nt.ca))
- Jamie Chambers ([Jamie\\_Chambers@gov.nt.ca](mailto:Jamie_Chambers@gov.nt.ca))
- Jarret Hardisty ([Jarret\\_Hardisty@gov.nt.ca](mailto:Jarret_Hardisty@gov.nt.ca))

ECC-WMD reminds NorZinc that as per sub-section 95(1) of the *Wildlife Act* and paragraphs (1) and (3) of section 13.3 of the Wildlife General Regulations, developers that are required to have a Minister-approved WMMP must adhere to the approved plan, and must not fail, neglect or refuse to comply with an approved WMMP unless authorized to do so by the Minister. As outlined in section 148 of the *Wildlife Act*, failure to comply with the Act or regulations can result in fines.

Please contact Dr. James Hodson, Wildlife Biologist, at (867) 767-9237, extension 53231 or james\_hodson@gov.nt.ca if you have any questions.

Sincerely,



Heather Sayine-Crawford  
Director  
Wildlife Management Division  
Environment and Climate Change

c. Distribution List

## Distribution List

Dr. Brett Elkin  
Assistant Deputy Minister, Operations  
Environment and Climate Change

Jamie Chambers  
Superintendent, Dehcho Region  
Environment and Climate Change

Ève Lamontagne  
Manager, Wildlife Research & Monitoring, Dehcho Region  
Environment and Climate Change

Jonathan Tsetso  
Superintendent, Nahanni National Park Reserve  
Parks Canada

Allison Stoddart  
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Mark Cliffe-Phillips  
Executive Director  
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Kathy Racher  
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