



NAHANNI BUTTE DENE BAND

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VIA ELECTRONIC MAIL

October 5, 2017

Umar Hasany
Project Officer
Northern Projects Management Office
Canadian Northern Economic Development Agency
5019 – 52nd Street
Yellowknife, NT
X1A 1T5

Re: Invitation to provide comments for Aboriginal consultation and potential accommodation regarding the Report of Environmental Assessment on the proposed Prairie Creek All Season Road (EA1415-01)

Dear Mr. Hasany,

The Nahanni Butte Dene Band (NBDB or 'the Band') has been clear in past submissions, and in the Public Hearings during the environmental assessment, that the Band supports development of Canadian Zinc Corporation's (CZN) all season road through our traditional lands to the Prairie Creek Mine. However, our traditional lands and rights need to be recognized, and a land use agreement between the Band and CZN needs to be completed, specifically concerning the Indian Affairs Branch (IAB) Lands set aside for the community of Nahanni Butte that the proposed road traverses.

We are disappointed that the Review Board did not include a specific condition ensuring a land use agreement covering the road corridor on our IAB Lands, which we believe is a failure to recognize our traditional rights.

CZN has committed to enter into a land use agreement with the Band, and to co-manage the road development with the Band. As such, our main outstanding issue is formal recognition of our traditional rights. If the Review Board is unwilling or unable to do this, we call upon the Federal and Territorial governments to do so by agreeing to expand the boundaries of our IAB Lands. We ask officials from INAC to engage with us directly and immediately to facilitate the expansion.

Initially, we seek to extend the IAB Lands south to connect the existing lands to the Nahanni Butte access road so that control of use and access can be implemented where the all season road connects to the Nahanni Butte access road, and additional area not prone to flooding is available for community development. Subsequently, we wish to extend the IAB Lands north to cover the road corridor from the Liard River to the boundary of the Nahanni National Park Reserve (NNPR). The Band intends to develop a Youth Centre at 2nd Gap, and to engage in traditional and cultural pursuits in that area, including hunting and trapping.

Our members need jobs, and so the environmental assessment having taken over three years to complete to this point is not helpful and is unacceptable. We understand that the Minister could take up to 5 months and possibly longer to come to a decision, and even if the Review Board's recommendation is accepted, a permitting process taking many months will follow. Taking this amount of time is frustrating for our members who simply want to work in their own territory, and no doubt it is frustrating for CZN also.

The Band agrees with the Review Board's recommendation that the all season road development be approved. We do not agree with the scope and content of the many additional studies proposed by the Review Board, many of which are over and above those recommended by government agencies and which will result in further delay of the project. We understand that many of these are because of the existence of the NNPR. Parks Canada needs to take a leading role in undertaking these studies in a co-management relationship with the Band and CZN.

We also do not agree with the Review Board's requirement that the Nahanni Butte Dene Band, LiidliiKué First Nation, **and** DehchoFirst Nations be involved in the implementation of the developer's monitoring programs. The all season road traverses NBDB traditional territory, and CZN previously made a commitment to the NBDB that NBDB members would be responsible for road monitoring. There is no need for duplication or division of workload. However, Review Board staff verbally explained that the Board was not intending to be prescriptive in terms of which indigenous group conducts the monitoring. NBDB members were given a promise that they would do this monitoring, and we expect and insist that they do.

In summary, the Band agrees that the all season road be approved, and asks the Minister to expedite this approval. However, we wish to have our traditional lands and rights recognized and ask officials from INAC to engage with us directly and immediately to facilitate the expansion of our IAB Lands.

Sincerely,



Chief Peter Marcellais

CC: Mark Cliffe-Philips, Executive Director, Mackenzie Valley Review Board
Alan Taylor, COO, Canadian Zinc Corporation