



Mackenzie Valley Environmental Impact Review Board
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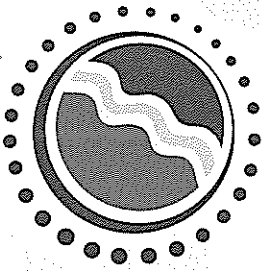
Date: Friday July 12, 2002
From: Joe Acorn, Environmental Assessment Officer
Pages: 25 including this cover page
File: EA00-002a Canadian Zinc Corporation Fuel Cache Retrieval and Clean-up
Subject: Revised Report of Environmental Assessment

Please see the attached letter to the Minister of INAC and the revised July 11, 2002 Report of Environmental Assessment by the Review Board. If anyone has any questions, please call me at (867) 766-7052.

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Mackenzie Valley Environmental Impact Review Board

MVEIRB File EA00-002a

The Honourable Robert D. Nault, P.C. M.P.
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Indian and Northern Affairs Canada
Minister's Office
10 Wellington St., North Tower
Hull, P.Q., Canada
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July 12, 2002

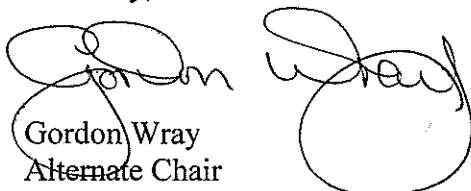
Dear Mr. Nault,

In response to your June 17, 2002 letter, and pursuant to section 130(1)(b)(i) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Mackenzie Valley Environmental Impact Review Board (Review Board) has reconsidered and revised its May 9, 2001 *Report of Environmental Assessment on the Canadian Zinc Corporation, Cat Camp Fuel Cache Retrieval and Clean-up Development*.

It is the decision of the Review Board that this environmental assessment proceeding is dismissed. The revised July 11, 2002 *Report of Environmental Assessment* is attached and constitutes the Review Board's written reasons pursuant to section 121 of the MVRMA.

As required by section 128(2) of the MVRMA, the revised *Report of Environmental Assessment* will be provided to the Canadian Zinc Corporation and the preliminary screeners.

Sincerely,


Gordon Wray
Alternate Chair

Attachment: Report of Environmental Assessment

Mackenzie Valley Environmental Impact Review Board

Report of Environmental Assessment

On the

Canadian Zinc Corporation

Cat Camp Fuel Cache Retrieval and Clean-up Development

July 11, 2002

Mackenzie Valley Environmental Impact Review Board

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Executive Summary

The Mackenzie Valley Environmental Impact Review Board (Review Board) has been guided by the principles outlined in sections 114 and 115 of the *Mackenzie Valley Resource Management Act* (MVRMA or Act) throughout this environmental assessment (EA). These include the need to protect the environment from significant adverse impacts, and to protect the social, cultural and economic well being of residents and communities in the Mackenzie Valley.

Having considered the views and concerns of the participants in this process, and the evidence on the Public Registry, the Review Board made its decisions according to section 128 of the MVRMA.

The Review Board concluded in its May 9, 2001 Report of EA that, based on the analysis provided, the proposed development would likely cause a significant adverse impact on the terrain, particularly karst features. Pursuant to section 128(1)(b)(ii) of the MVRMA, the Review Board decided to recommend approval of the development subject to the following condition:

That the development occur in the winter of 2001/2002 using the access road from the mine to the fuel cache as a winter road, not as an all-weather road.

Officials of Indian and Northern Affairs Canada recently informed the Review Board that the department had, acting in response to an Inspector's Direction issued by Environment Canada, incinerated the fuel in March 2002. In light of this evidence, the Review Board agrees with the Responsible Ministers that it is no longer possible for Canadian Zinc Corporation to carry out its development as proposed. The Review Board therefore dismisses this Environmental Assessment proceeding.

Mackenzie Valley Environmental Impact Review Board
July 11, 2002

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1 Development Description

The following description is based on CZN's EAR.

The Prairie Creek Mine is 100% owned and operated by Canadian Zinc Corporation (CZN) of Vancouver, British Columbia. The mine is located in the southern Mackenzie Mountains in the southwest corner of Northwest Territories at 61° 33' north latitude and 124° 48' west longitude. The mine site facilities are situated adjacent to Prairie Creek about 43 km upstream from its confluence with the South Nahanni River and 32 km upstream of the point where Prairie Creek crosses the boundary of the Nahanni National Park Reserve (NNPR).

Cat Camp was established in 1981-82 as a transportation staging area during the construction of the mine. The camp is approximately 41 km from the mine along the alignment of the access road. A fuel cache was maintained at the camp to support the mine construction. The diesel is stored in three skid mounted bulk storage tanks that have been there since 1982. The estimated volume of fuel in the tanks is 153,000 - 174,000 liters. The three tanks and a number of barrels of Jet B fuel are contained within two separate containment berms constructed of locally sourced natural materials. Several trailers, a supply of culverts and other materials are also at the camp.

An inspection of the site by INAC in August 1999 found staining on the exterior of the tanks and drips coming from valves and clean-out plates. In September 1999, CZN tightened the valves and plates and applied sealant as necessary. CZN states that no evidence of significant seepage has been detected since that time.

Access to Cat Camp for the purposes of recovering the diesel and cleaning up the site will require rehabilitation of the access road. The road up to Km 17 was used as recently as 1995 under Land Use Permit N95C373 in support of exploration activity. According to CZN, this portion of the road requires only surface clean-up. CZN states that the roadbed from Km 17 to 41 is largely intact and passable with surface clean-up, however a number of washouts require more substantial repair. Although it was constructed as part of the original winter road, the majority of this portion, being through mountainous terrain, was constructed to all-weather standards using cut and fill construction techniques along side slopes. Sections constructed over flood plain alluvial gravels towards the east end nearer to Cat Camp require only surface clean-up.

CZN will repair washouts using local fill available adjacent to the existing roadbed, with culverts placed as necessary to control drainage. Where the potential for future washouts is identified, CZN will remove the culverts following completion of the program and store them near the wash-out locations for future use. CZN proposes that the work will be undertaken during the low flow period in August - September, and in a manner to minimize water quality impacts due to sediment loadings.

Upon completion of the access road upgrade, fuel recovery will commence using two Volvo 5350 rock trucks with suitable containment vessels, purchased for the purpose, located and fixed in the truck boxes. Fuel from the Cat Camp bulk storage tanks will be transferred to the transport vessels in the Volvo trucks using portable gas pumps. Fuel will then be transported to the mine site where it will be transferred to the main tank farm using a second gas pump.

Upon completion of the fuel transfer, the skid-mounted tanks will be transported to the mine site by flatbed. The trailers, barrels and excess culverts will also be relocated to the mine site.

The containment berms at Cat Camp will be inspected for contamination and any contaminated soil will be relocated to the mine site for placement in a plastic lined and covered cell for bioremediation. Following clean-up, the berms will be recontoured to prevent water ponding and allowed to revegetate naturally.

2 Regulatory History of the Proposed Development

On July 28, 2000, CZN applied to the Mackenzie Valley Land and Water Board (MVLWB) for regulatory approval of activity in and around its Prairie Creek mine site proposed for the fall of 2000. The land use operations proposed under the application were to undertake surface exploration drilling of up to seven (7) holes in an area proximal to the existing underground workings and to recover a cache of diesel fuel left by previous operators dating back to 1982 when the mine was under construction.

A preliminary screening of the proposed development was initiated on July 28, 2000 in accordance with the MVRMA. On October 4, 2000 the MVLWB referred the development proposal to the Review Board, in accordance with ss.126(1) of the MVRMA, citing the following reasons for the referral:

Referral of the development proposal to the MVEIRB due to the likelihood of the development to have a significant adverse impact on the environment and due to a high level of public concern expressed about the proposal.

The Review Board is responsible for the assessment of the environmental, socio-economic and cultural impacts of the proposed development according to Part 5 of the *Mackenzie Valley Resource Management Act*. The Review Board is required by s.126 of the MVRMA to conduct an EA of the development proposal and must conduct the EA in accordance with subsection 117(2). The Review Board is also required to prepare and submit its report of environmental assessment in accordance with ss.128(2), a decision under ss.128(1), and written reasons, required by s.121, to the Federal Minister of Indian and Northern Affairs Canada (INAC).

By a letter dated October 11, 2000, the Review Board formally notified regulatory bodies of the referral and initiated work planning for the EA. The Review Board decided on October 30, 2000, to separately assess the mineral exploration development and the fuel cache retrieval and clean-up development. The Review Board came to the conclusion that the fuel cache retrieval development and the mineral exploration development were distinct projects that should not be assessed together due to the fact that there was no linkage between them.

The Review Board considered the benefits of the proposed development to the residents of the Mackenzie Valley and Canada in light of the possible environmental impacts of the development and the public concerns expressed during the environmental assessment process. A complete list of the contents of the Public Registry and the documents considered during the preparation of the Report of EA is available from the Review Board.

The Review Board completed its environmental assessment of the fuel cache retrieval and clean-up development and issued its Report of Environmental Assessment on May 9, 2001.

On June 19, 2001, an "Inspector's Direction" was issued to INAC by Environment Canada to take steps to prevent the deposit of petroleum products from the Cat Camp fuel cache into the surrounding environment. INAC complied with the order by incinerating the fuel in March 2002.

On June 17, 2002, the Minister of INAC, on behalf of the Responsible Ministers, wrote to the Review Board pursuant to section 130(1)(b)(i) of the MVRMA to refer the May 9, 2001 Report of EA back to the Review Board for further consideration. The Responsible Ministers advised that it was no longer possible for CZN to carry out its development as originally proposed since there is no longer any fuel to be retrieved.

3 Review Board Environmental Assessment Decision

The Review Board concluded in the May 9, 2001 Report of EA that, based on the analysis provided, the proposed development would likely cause a significant adverse impact on the terrain, particularly karst features. As per section 128(1)(b)(ii) of the MVRMA, the Review Board decided to recommend approval of the development subject to the following condition:

That the development occur in the winter of 2001/2002 using the access road from the mine to the fuel cache as a winter road, not as an all-weather road.

After considering the new evidence provided in the June 17, 2002 letter from the Minister of INAC pursuant to subsection 130(3) of the MVRMA, the Review Board has decided to dismiss this Environmental Assessment proceeding. The Review Board agrees with the Responsible Ministers that it is no longer possible for CZN to carry out its development as originally proposed since there is no longer any fuel to be retrieved.

Although the Review Board's decisions, conclusions and recommendations leading to and contained within the May 9, 2001 Report of EA are no longer relevant in the present circumstances, the Review Board appreciates the assistance of all those who participated in the proceeding to that point. The Review Board feels that it is important that information provided and the conclusions drawn during the EA process not be lost. Consequently, a summary of the EA process leading to the May 9, 2001 Report of EA has been retained in Appendix 1 of this July 11, 2002 Report of EA. The conclusions and recommendations from the May 9, 2001 Report of EA are also retained in Appendix 2 of this report.

Appendix 1 – Summary of the Environmental Assessment Process Culminating in the May 9, 2001 Version of the Report of Environmental Assessment

Scoping Process

The Review Board must determine the scope of the development pursuant to ss. 117(1) as well as the scope of the environmental assessment. The Review Board makes these determinations on the basis of comments submitted during the development of the Work Plan and Terms of Reference for the EA.

Scope of Development

The scope of the development includes those components of the proposed development that will be included for consideration in the environmental assessment. The scope of development takes into account the principal and accessory development activities.

The Review Board identified the principal development activities to be:

- re-establishing a 40 km portion of an original access road from the mine site to the fuel cache at Cat Camp, and
- clean-up of the fuel cache and relocating the fuel and tanks to the mine site.

Accessory development activities include:

Access Road

- Surface clean-up of the road.
- Repair of road wash-outs.
- Excavation and use of local fill as repair material.
- Placement of culverts for drainage control.
- Use of a D-8 Cat, loader and backhoe.
- Three weeks of work in July and August.

Fuel Cache Removal

- Use of two Volvo 5350 rock trucks fitted with a suitable containment vessel located and fixed to the truck boxes. Containment vessels are either collapsible fabric such as the Terra Tank Petro Guard Bladder or lightweight polyethylene hard plastic tanks.
- Transfer 30,000 gallons of fuel from the Cat Camp bulk storage tanks to the Volvo trucks using a portable gas pump.
- Transport of fuel to the mine site.
- Transfer of the fuel to the mine's main tank farm using a second pump.

Cat Camp Clean-up

- Transport the skid mounted tanks to the mine site by flatbed truck.
- Relocate trailers, barrels and excess culverts to the mine site.

Logistical Support

- Use of the existing mine site facilities as a base camp for the operations.
- Use of existing trucking equipment to haul fuel and fuel tanks to back to the mine site.
- Helicopter support for safety purposes and personnel transport between Cat Camp and the mine site.
- Storage of fuel and other materials at the mine site.

Concern was expressed during the EA that if the Review Board were to approve the fuel cache removal development, thereby allowing a portion of the access road to be upgraded to all-weather status, that this would

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be the first step in incrementally approving the re-establishment of the entire access road to all-weather status. The Review Board came to the conclusion that the fuel cache retrieval development was not linked to the potential development of the Prairie Creek mine. If CZN decides in the future to open the mine and use the access road, the mine and the entire road will be examined for potential impacts on the environment at that time.

Scope of Assessment

Scope of assessment covers the components of the environment that will be evaluated for impacts from the proposed development. In determining the scope of assessment, the Review Board was conscious of its obligation under ss.117(2) of the MVRMA to consider:

- the impact of the development on the environment including the impacts of malfunctions or accidents, any cumulative effects that are likely to result from the development in combination with other developments, and
- comments submitted by members of the public.

After considering the information placed on the public registry, the Review Board decided on the following scope of assessment:

Physical and Biological Environment

Air Quality and Climate

air quality

release of air contaminants (dust, particulate exhaust fumes and other air contaminants)

Terrain

surficial geology

bedrock or soils

Vegetation and Plant Communities

local plant communities

rare or highly valued species

long-term, direct and indirect, habitat loss or alteration

General Water

water quality

contaminant loading and dispersion (including surface runoff and airborne contaminants)

Aquatic Habitat

aquatic organisms and their habitat

Wildlife and Wildlife Habitat

wildlife

wildlife habitats

migratory birds

vulnerable or endangered Wildlife in Canada, (COSEWIC) list

Human Environment

Cultural and Heritage Resources

Places of cultural, spiritual and/or archaeological significance

Land, Water and Renewable Resources Use

Traditional land use and occupation

Existing land use and occupation

Hunting, trapping, and outfitting, recreational, commercial and sport fishing

Availability, abundance and quality of wildlife, fishing, gathering, recreational

Commercial land and water-based areas

Protected areas

Economy

Income

Employment

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Incremental abandonment and restoration costs resulting from the proposed development

Noise

Changes to ambient noise levels

Continuous exposure versus acute noise

Visual and Aesthetic Resources

Visual and aesthetic

Design components that mitigate visual and aesthetic impacts.

Work Plan and Terms of Reference

The Review Board advised CZN that a broader, more detailed development description was needed than that provided in the land use application. The detailed project description for Land Use Permit MV2000C0030 was provided by CZN on October 25, 2000.

On November 6, 2000, the Review Board issued a draft Work Plan and draft Terms of Reference (ToR) for the environmental assessment for public comment on the documents as a whole, particularly on the timeline, scope of development, scope of assessment and directions to Canadian Zinc. The documents were placed on the Review Board's public registry and web site. They were also provided to Canadian Zinc Corporation, the Government of the Northwest Territories, the Deh Cho First Nations, the Nahanni Butte Dene Band, the Liidlii Kue First Nation, the Village of Fort Simpson, the Canadian Parks and Wilderness Society, the World Wildlife Fund, Ecology North, the Canadian Arctic Resources Committee, the Fort Simpson Métis Local 52, the Nahanni National Park Reserve, Health Canada, Fisheries and Oceans Canada, the Mackenzie Valley Land and Water Board, Environment Canada, Transport Canada, Natural Resources Canada, Indian and Northern Affairs Canada, Mr. Petr Cizek, Mr. Chris Reid and Mr. Don Antoine.

The consultation period on the draft documents was from November 6, 2000 to December 20, 2000. The Government of the Northwest Territories, Fisheries and Oceans Canada and the Nahanni National Park Reserve provided expert advice.

More than 30 letters from the public were received during the course of the environmental assessment expressing concern about the proposed development. The Review Board's staff also met with representatives of environmental non-governmental organizations and the developer. Regular environmental assessment updates were placed on the Review Board's web site.

The Review Board considered all comments received and available information before issuing the final Work Plan and final Terms of Reference on December 22, 2000. The Work Plan established the milestone dates and identified the Review Board's expectations for the completion of the environmental assessment. The Terms of Reference detailed the scope of development and scope of assessment and provided directions to Canadian Zinc and others regarding their roles, responsibilities and deliverables in the remaining EA process.

Conformity Review

CZN completed its EA Report (EAR) on the basis of the final ToR and filed the report for the fuel retrieval and clean-up project with the Review Board on January 26, 2001. The Review Board undertook a conformity review to ensure that CZN had provided the information requested in the Terms of Reference. On February 19, 2001, the Review Board ruled that the CZN EAR conformed to the requirements of the Terms of Reference and closed the conformity review.

Technical Review

A technical review of CZN's EA Report was initiated concurrent with the conformity review. This was done through the Review Board's Information Request (IR) process¹. The IRs helped to facilitate the technical analysis of the proposed development. The Review Board's staff co-ordinated the analysis of the EA. The analysis included opportunities for regulatory authorities (RA's), expert advisors, First Nations, communities, the public and other interested parties to present their information to the Review Board. The result of this step was to find and focus on unresolved or unclear issues, and to provide the Review Board with the additional information that would contribute to its decision.

Development Impact Boundaries

The terms of reference did not specify the spatial or temporal boundaries to be used when considering the maximum zone of influence or the duration and occurrence of impacts of the proposed development with the expectation being that CZN would describe the boundaries that they used for their environmental impact analysis. However, CZN did not include this information in the EA Report. It would have been beneficial for the Review Board had CZN included both the methods they used to predict impacts were or were not going to happen and the methods they would have used to predict how long the impacts would last and where they would occur. It is assumed that this information on impact boundaries was not provided because CZN concluded that there would not be any significant impacts.

Determining Significance

Section 128 of the MVRMA requires the Review Board to decide whether or not a development will have a significant adverse impact or significant public concern based on the evidence provided and report their conclusion to the Responsible Minister. Where a secondary source of evidence is provided, the sources should be appropriately referenced. In this process, the Review Board has no objection to the proponent or others applying professional judgement and the use of previously completed reports. In fact, it is encouraged as long as the basis for the conclusion is documented, the expertise applied is identified and, if possible, the person and/or source of information responsible for the conclusion is also identified.

For the Review Board to make the decision required by Section 128, there must be a clear explanation of the effect that the mitigation measure to be imposed will have on the impact that it is meant to ameliorate. In other words, it is the Review Board's view that it must, under ss.117(2) of the MVRMA, be advised of the significance of an impact without mitigation and then receive a careful explanation of the effect mitigation will have in reducing that impact.

In determining significance, the Review Board considered the impact of the proposed development on each component of the scope of assessment. When potential impacts were identified, the factors considered included:

- magnitude
- geographic extent
- timing
- duration
- frequency
- irreversibility of impacts
- probability of occurrence
- confidence level

¹ Information requests are an interrogatory in the form of written questions and answers.

Appendix 2 - Review Board Conclusions and Recommendations in the May 9, 2001 Version of the Report of Environmental Assessment

Sections 4.1 and 4.2 of the EA Terms of Reference provided instructions to CZN on the issues/items that should be included in the EA Report. This report discusses only those issues/items that generated comments or are deemed by the Review Board to warrant inclusion in this report.

Each of the following sections includes:

- the italicized instructions provided in the Terms of Reference;
- a summary of CZN's EA submission;
- a summary of comments received from technical reviewers;
- Review Board conclusions; and
- Review Board recommendations, if any.

The Review Board's conclusions and recommendations are based upon a consideration of all of the information listed on the Public Registry.

Terrain

Report the impacts on the environment when surficial geology, bedrock or soils are disturbed, or used for construction purposes.

A portion of the tote road passes through the Nahanni Karst area, an area identified by Parks Canada as one of three Parks Canada NNPR expansion areas. Explain and report what efforts are being made to keep the impact to the environment to a minimum on the Karst portion of the tote road.

CZN concluded that the impacts of the proposed development on the terrain are expected to be negligible and that the minor surficial terrain impacts associated with the proposed undertaking will be additional to those that have already occurred in conjunction with previous construction of the winter road alignment and development at the site. The borrow materials used by CZN in repairing the roadbed will be sourced from locally available materials immediately adjacent to the road bed. They expect residual impacts to be minor as the borrow areas represent relatively small areas and will be re-contoured and stabilized following use.

CZN states that the Cat Camp fuel cache is located approximately 2 km north of the northern boundary of the Nahanni Karst candidate area. The access road between the mine site and Cat Camp passes through the extreme northwest corner of the candidate area from approximately Km 32 to Km 35 as the road drops down into the Sundog Creek tributary valley. Only minor repair work is required on the existing roadbed so CZN concludes that negligible disturbance or impact to the environment is expected to occur.

The GNWT is satisfied that the information provided by CZN in their EA Report is sufficient to support their conclusion of negligible impacts.

The NNPR does not think that CZN has provided adequate justification for their conclusion of negligible impacts and state that CZN appears to have based this conclusion largely on the fact that the area has been previously developed. The NNPR points out that the previous development was a winter operation and that the impacts are potentially greater for a summer operation than for a winter operation.

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The NNPR states that CZN is incorrect in their statement that the Cat Camp is approximately 2 km north of the Nahanni Karst candidate area. The NNPR states that both the Cat Camp and a long stretch of the former winter road alignment are well within the Nahanni Karst candidate area.

The NNPR notes that the international significance of its geology, including karst features, is part of the reason Nahanni National Park Reserve was designated as a World Heritage Site although the Reserve itself contains only a small and unrepresentative sample of the surficial landforms.

The NNPR concludes that construction of a permanent road on this sensitive terrain could have serious, potentially irreparable impacts. The underground passages found in karst terrain are often modified by mechanical erosion (i.e. the collapse of walls or roofs). Although total avoidance of vehicle traffic is preferred, the use of a winter road would likely serve to reduce impacts as the solution processes of karst landscapes will presumably be reduced or entirely halted in the winter. The corresponding likelihood of collapse and damage to features will likely be lessened by restricting activity to the winter.

The NNPR notes that CZN fails to mention the implications to worker safety due to the potential collapse of karst features.

The NNPR also notes that CZN does not appear to understand what karst landforms really are and cannot, therefore, understand their potential sensitivity to disturbance. CZN states that the Ram Plateau is the most representative area of high value in terms of karst development. The NNPR contradicts this and states that the Ram Plateau does not have karst landforms.

Conclusions

The Review Board recognizes that CZN would be sourcing the borrow material from areas immediately adjacent to the road bed and that CZN is proposing mitigative measures to reduce potential impacts. The Review Board also recognizes that some repair of the road bed would be required to address potential safety implications. However, the Review Board is of the opinion that CZN should have provided more information in their assessment, including such items as identifying the number and location of those sections of the road requiring repair and the estimated quantities of borrow material required. Given that CZN is estimating four weeks will be required for road rehabilitation, CZN should have some idea of the work required.

CZN should also have provided more accurate and detailed evidence to support their conclusion of negligible impacts on karst features.

The Review Board appreciates the comprehensive analysis completed by the NNPR on this issue. The Review Board considered the following to be significant factors to be considered when making their decision:

- CZN made errors in their EAR concerning the location of karst features;
- Karst features are sensitive and impacts on them are permanent;
- The geological significance of karst features; and
- The road and cache site are within an area of karst features.

The Review Board concluded that the proposed development will likely have a significant adverse impact on the terrain, particularly karst features. The area of the impact would be the immediate vicinity of the road, the fuel cache site and the borrow locations. The extent of the impact would be the permanent alteration of karst features.

Recommendations

To mitigate the environmental impacts, the Review Board recommends that the development only be permitted to occur during the winter season when the impacts on karst features can be avoided or minimized. The mine access road should be utilized as a winter road, not as an all-weather road.

The Review Board also recommends that the fuel cache tanks be subjected to regular inspections until their removal.

Vegetation and Plant Communities

Analyze impacts of the proposed development on local plant communities, rare or highly valued species, and long-term, direct and indirect, habitat loss or alteration.

CZN concluded that the impacts of the proposed development on vegetation and local plant communities resulting in habitat loss or alteration are expected to be negligible. CZN's reasons for their conclusion includes the facts that minimal clearing will be required in order to carry out the proposed program and that borrow materials will be sourced immediately adjacent to the existing roadbed and will entail minimal disturbance of vegetation or plant communities. CZN's assessment did not identify any rare, highly valued, threatened, endangered or special concern species in the area.

The GNWT agrees with CZN that the development of the road should not cause significant impacts on vegetation but they note that CZN did not provide a detailed account of borrow quantities and locations. The GNWT recommends that mitigative measures be employed to reduce potential impacts. These measures include scarifying and reseeded those areas disturbed to obtain borrow material.

The NNPR does not think that CZN has provided adequate justification for their conclusion of negligible impacts. They state that CZN appears to have based this conclusion largely on the fact that the area has been previously developed. NNPR points out that the previous development was a winter operation and that the impacts are potentially greater for a summer operation than for a winter operation.

Conclusions

The Review Board is of the opinion that CZN should have provided more information in their assessment, including such items as identifying potential borrow locations and the types of plant communities in these areas.

The Review Board recognizes that the development will occur primarily on an existing road bed and fuel storage site so the impacts on vegetation in these areas should not be significant. The primary source of impacts on vegetation and plant communities will be the excavation of borrow materials.

The Review Board concludes that the proposed development will not likely have a significant adverse impact on vegetation and plant communities.

Recommendations

The Review Board does not have any recommendations.

General Water

The assessment of proposed development impacts on water quality should consider contaminant loading and dispersion (including surface runoff and airborne contaminants).

CZN concluded that the impacts of the proposed development on water are expected to be negligible. They believe that the fuel recovery program will result in negligible emissions or discharges to air, land or water that will then have the capability of being transported to surface waters.

DFO found that CZN adequately addressed the potential effects of the project but urged that the mitigative measures in DFO's Letter of Advice to CZN be incorporated into the project design to minimize potential impacts.

EC stated that appropriate sediment control measures (such as diversion berms and silt curtains) must be adopted as necessary to prevent sediment entering any stream course. EC also stated that the road alignment must be stabilized during and after project to ensure that surface erosion does not occur.

The GNWT is satisfied that the information provided by CZN in their EA Report is sufficient to support their conclusions regarding environmental impacts on water.

Conclusions

The Review Board recognizes that siltation into water bodies is a common environmental issue that can be dealt with through standard mitigative measures applied at the regulatory stage.

The Review Board concludes, based on the analysis provided, that the proposed development will not likely have a significant adverse impact on water.

Recommendations

The Review Board does not have any recommendations.

Aquatic Habitat

The impacts on aquatic organisms and their habitat shall be considered taking into account predicted water quality and quantity impacts.

CZN concluded that the impacts of the proposed development on fisheries or other aquatic resources are expected to be negligible, since, as stated previously, impacts to water quality and quantity are also expected to be negligible.

Based on previous studies, CZN concluded that fish utilization of Prairie Creek appears to be confined largely to the headwaters, upstream of the mine site and access road, and to the mouth some 48 km downstream. The headwaters appear to be utilized by Dolly Varden and Rocky Mountain Whitefish. Arctic Grayling do not appear to move upstream in Prairie Creek beyond the lowest reaches near the mouth. Limited use appears to be made of Prairie Creek in the vicinity of the mine site, or downstream of the mine site above the mouth. Arctic Grayling have been observed to utilize the Sundog Creek tributary in the vicinity of Cat Camp for spawning in the spring. However, water flow decreases substantially in the late summer and early fall, in some cases disappearing altogether. Completing the work at this time will minimize impacts to aquatic resources.

DFO found that CZN adequately addressed the potential effects of the project but that the mitigative measures in DFO's Letter of Advice to CZN should be incorporated into the project design to minimize potential impacts.

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The NNPR disputes CZN's conclusion that there is limited use of Prairie Creek in the vicinity of the mine or downstream of the mine site above the mouth. The NNPR states that Bull Trout are a migratory species and likely do pass by the area of the mine site seasonally and may be affected by siltation at creek crossings. The NNPR also notes that the Bull Trout has been found to be very sensitive to industrial disturbance.

Conclusions

The Review Board would have appreciated a more comprehensive review of this issue from DFO. Given the analysis provided by DFO and the uncertainty in the review by the NNPR, the Review Board has decided to accept CZN's assessment with the understanding that the mitigative measures provided by DFO will be incorporated into the project design.

The Review Board concludes, based on the analysis provided, that the proposed development will not likely have a significant adverse impact on aquatic habitat.

Recommendations

The Review Board does not have any recommendations.

Wildlife and Wildlife Habitat

The environmental assessment report shall provide an analysis of the proposed development's impacts, (both direct and indirect), on wildlife and wildlife habitats, including migratory birds. Special consideration shall be given to species listed as vulnerable or endangered on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) list.

CZN concluded that the impacts of the proposed development on wildlife and wildlife habitat are expected to be negligible. CZN states that the activity will be of short duration and undertaken by limited numbers of personnel and equipment, thus limiting impacts. CZN also cited past studies that identified no critical habitats in the area of the mine site or access road for the principal wildlife species observed in the area, these species being Dall Sheep, Moose and Caribou.

The GNWT agrees with CZN's assessment that the impacts should not be significant. The GNWT offered to participate in a preliminary site reconnaissance for the road prior to the commencement of operations to assist in determining the presence and response of wildlife to disturbance.

The NNPR concluded that there were questionable assertions made in the Wildlife and Wildlife Habitat section of the EA Report. The NNPR notes that CZN indicates its proposed development will not impact caribou populations. However, the NNPR cites that research in northern Alberta found that caribou do avoid linear disturbances, including roads, and even seismic cutlines and that, therefore, the reopening of roads and construction of new roads associated with this proposal, in addition to the increased activity on site, some disruption to caribou movement patterns is likely to occur.

The NNPR also questioned CZN's conclusion that "*no impacts are expected on migratory bird populations as no usage of the minesite area by such populations has been identified*". The NNPR noted that many species of migratory birds are present in the region, and that of the 170 recorded bird species in the Reserve, of which 19 were considered permanent residents, and 4 were of unknown status, at least 147 species exhibited migration of some sort, and the vast majority of these would be international migrants, covered by the *Migratory Birds Convention Act*. The NNPR claimed that although not all of the birds found in the Reserve would be present in the mine site area, it is extremely unlikely that there are no migratory bird populations in the area.

Conclusions

Although the Review Board appreciates the opinions expressed by the NNPR, the Review Board does not agree with the arguments presented by the NNPR. CZN is not proposing to build new roads or clear any additional land, with the exception of borrow locations beside the road bed. There will not be any additional linear disturbances for caribou to avoid or migratory bird habitat destroyed. As such, the Review Board agrees with CZN and the GNWT that the impacts of the development will be of a short duration within an existing right-of-way.

The Review Board concludes, based on the analysis provided, that the proposed development will not likely have a significant adverse impact on wildlife and wildlife habitat.

Recommendations

The Review Board does not have any recommendations.

Cultural and Heritage Resources

Describe potential impacts of the proposed development on cultural and heritage resources.

CZN concludes that the impacts on cultural and heritage resources are expected to be negligible. No archaeological sites were identified within the area by an archaeological database search conducted by the Canadian Museum of Civilization for CZN. CZN believes that since all activity will take place in areas previously developed, the disturbance of any currently unknown archaeological sites is very unlikely.

The GNWT is satisfied that the information provided by CZN in their EA Report is sufficient to support their conclusions regarding environmental impacts.

The Canadian Parks and Wilderness Society summed up its views regarding the proposed development by requesting that the land use permit application be denied on the basis of the importance of protecting the world class wilderness values of the watershed and NNPR, as well as the status of the South Nahanni Watershed as a proposed protected area to be negotiated through the Deh Cho Process. CPAWS notes that the NNPR is also internationally recognized as a UNESCO natural World Heritage Site for its globally significant natural features and wilderness values on par with other Sites such as the Great Barrier Reef, the Galapagos Islands and the Grand Canyon. CPAWS also notes that the Nahanni was designated under two different criteria; as “an outstanding example representing significant ongoing ecological processes or biological evolution” and for its “superlative natural phenomena, formations, features or areas of outstanding natural beauty.”

The Government of Canada informed the Review Board in its response to an Information Request that “Canada is currently engaged with the Deh Cho First Nations and the Government of the Northwest Territories in a process aimed at resolving land, resource and self government issues in the Deh Cho Region” and that “following the signing of the Interim Measures Agreement (IMA) Canada will enter into land withdrawal negotiations with the Deh Cho First Nations for the purposes of addressing issues such as land withdrawals within the South Nahanni River Watershed. *However, at this time, Canada has no position or policy regarding which areas the parties may agree to withdraw.*”² (emphasis added).

² Department of Indian Affairs and Northern Development. January 29, 2001. IR-Canadian Zinc.

Conclusions

The Review Board agrees with the assessment of CZN that new archaeological sites are unlikely to be discovered on the road bed. The possibility exists for new sites to be discovered during the clean-up of the Cat Camp (if soil excavation is required) or at the borrow material locations. However, assuming procedures are in place for this situation, the discovery of a new site can be dealt with at that time.

The Review Board understands and appreciates the importance placed on the South Nahanni Watershed and the Reserve but concludes, based on the analysis provided, that the proposed development will not likely have a significant adverse impact on cultural and heritage resources.

Recommendations

The Review Board does not have any recommendations.

Economy

The impact of the proposed development on the economy, having regard to direct, indirect and induced impacts on income and employment. Incremental abandonment and restoration costs resulting from the proposed development.

CZN states that in the short term, the proposed development will create modest positive economic impacts for local communities in terms of employment opportunities and contracted support and supply services. CZN employed two local residents of Nahanni Butte for the majority of the 2000 summer season. Similar opportunities are anticipated in 2001 in support of this and other planned programs. The proposed development is expected to employ about 8 people, including a cook, caretaker, mechanic, truck drivers, First Aid attendant, and labourers. Fixed wing aircraft and helicopter support will provide opportunities for charter companies in Fort Simpson and Fort Liard. Consumables will be sourced from local suppliers and flown into the site.

Project management will necessitate travel for head office and other personnel, resulting in positive economic impacts for commercial airlines servicing Yellowknife and Fort Simpson, as well as hotels and restaurants in Yellowknife, Fort Simpson and other local communities.

CZN expects the proposed development to have a positive effect on incremental abandonment and restoration costs as it constitutes progressive reclamation in addressing an outstanding item that would normally be included in reclamation cost estimates. As well, in order to carry out full site reclamation, including removal of the existing buildings and equipment, the access road between the minesite and Cat Camp would have to be similarly rehabilitated to support off-site transport services, again serving to reduce incremental abandonment and restoration costs.

The GNWT is satisfied that the information provided by CZN in their EA Report is sufficient to support their conclusions regarding the development's impacts on the economy.

Conclusions

The Review Board concludes, based on the analysis provided, that the proposed development will not likely have a significant adverse impact on the economy.

Recommendations

The Review Board does not have any recommendations

Accidents and Malfunctions

Provide the probability, risk and potential magnitude of an accident or malfunction, and contingencies in the event of an accident and/or malfunction occurrence, related to the proposed development including, but not limited to fuel and other hazardous material spills.

CZN states that a spill of diesel either during transfer or transport operations represents the only significant potential environmental impact due to accidents or malfunctions associated with this proposed program. The potential impacts will be mitigated through careful planning, diligent supervision and emergency preparedness. CZN has developed a Spill Contingency Plan for the Prairie Creek mine. The company maintains a supply of spill clean-up materials at the site including a variety of absorbent materials and ready access to a large inventory of heavy equipment, tools and supplies at the site. Spill response equipment and personnel will be located at key points along the haul route. As a result, the probability, risk and potential magnitude of an accident or malfunction associated with the proposed development are deemed to be low.

The GNWT notes that CZN did not discuss the possible release of fuel from the mine's tank farm. In response to the GNWT's information request, CZN acknowledged that the tank farm was not in compliance with either the CCME Environmental Code of Practice for Above Ground Storage Tank Systems Containing Petroleum Products or the National Fire Code of Canada. CZN correctly notes that the mine tank farm does not have to meet CCME standards until 2009; however, the National Fire Code is in force in the NWT.

The GNWT reviewed CZN's Prairie Creek Emergency Spill Response Plan for 2000-1 and noted several deficiencies with respect to the requirements of the NWT Environmental Protection Plan.

The NNPR notes that CZN has not provided evidence to support their statement that the tanks in the mine's tank farm are in good condition and can safely store the Cat Camp fuel.

EC identified the potential spillage of diesel fuel as one of the main areas of concern with this development. EC states that the proposed measures identified by CZN should provide mitigation against the potential for fuel spills.

Conclusions

Based on the analysis provided, the major issue with regards to accidents and malfunctions appears to be a potential spill of diesel fuel at some point in the development or afterwards from the mine tank farm. The Review Board recognizes the commitments made by CZN to address this issue and also the concerns of the GNWT and the NNPR with regards to the integrity of the tank farm.

The Review Board concludes, based on the analysis provided, that the proposed development will not likely have a significant adverse impact due to accidents and malfunctions.

Recommendations

The Review Board recommends that CZN have the mine tank farm inspected by INAC before the fuel cache retrieval occurs and that CZN should address the deficiencies noted in their spill response plan by participants in this proceeding.

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Consultation

Provide a summary of all consultations completed, including those with government, the Nahanni Butte Dene Band, the Liidlii Kue First Nation (Fort Simpson) and the Deh Cho First Nation, and the Village of Fort Simpson indicating how any concerns raised by the community have been addressed.

Between August 2000 and January 2001, CZN consulted with the following communities and organizations:

August 14-16, 2000	Meetings in Yellowknife with INAC, GNWT RWED, EC, DFO, MVLWB, MVEIRB, Parks Canada, DCFN (Petr Cizek).
October 6, 2000	Letter request to NBDB, LKFN, ADKFN, DCFN for meeting.
November 21, 2000	Meeting in Yellowknife with Mineral Development Advisory Group (INAC, EC, DFO, GNWT RWED, WCB, SRHB).
November 22, 2000	Meeting in Nahanni Butte with NBDB, LKFN, DCFN, CPAWS and Parks Canada.
January 5, 2001	Letter request to NBDB, LKFN and ADKFN for traditional knowledge.

CZN states that no specific concerns were raised at any of these meetings with respect to the proposal for fuel recovery. Issues raised concerning the proposed development during the course of public and community consultation have been restricted to comments submitted in writing to the Mackenzie Valley Land and Water Board during the public comment period on the original Land Use Permit application and to the Mackenzie Valley Environmental Impact Review Board during the public comment period on the Draft Terms of Reference. CZN is of the opinion that these issues have been incorporated into the Final Terms of Reference in response to which they prepared their EA Report.

Conclusions

The Review Board accepts the communication and consultation effort undertaken by the proponent in this environmental assessment given the scale, nature and location of the proposed development. In the Review Board's view, the efforts made by CZN were sufficient to ensure that this environmental assessment was open and fair.

Recommendations

The Review Board does not have any recommendations.

Alternatives

Provide an explanation of viable alternatives to the principle and accessory parts of the development (e.g., winter Cat Trail haul, on-site incineration). Indicate the risks associated with each alternative and indicate whether or not a winter completion of the proposed development is a viable alternative, and if not, explain why not.

CZN indicated that there were four alternatives evaluated in comparison to the principal development. These alternatives were:

- burning the fuel at the present location;
- hauling the fuel by winter road out to the Liard Highway;
- flying the fuel out; and
- relocating the fuel to the Prairie Creek mine site during the winter.

CZN provided descriptions of the activities required for each of these alternatives and their reasoning for why each of these alternatives were rejected in favor of the proposed development.

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The GNWT noted that oil and gas operations occur during the winter in terrain similar to that encountered by the proponent and does not agree with CZN's assertion that risks to workers or the environment would become unacceptable with a winter operation. The GNWT believes that a winter recovery of the fuel would be the preferred alternative for removing the fuel given the reduced impacts on wildlife and the reduced impacts that would result from a spill. However, the GNWT also believes that the risk of further fuel leaks by delaying the fuel recovery until winter 2002 outweighs the potentials risks of utilizing an all-weather road in the summer of 2001.

The NNPR is of the opinion that the alternative clean-up methods are rejected by CZN without adequate justification. The NNPR notes that CZN states *the sole objective of this program is to mitigate a known environmental risk*. Given that stated objective, NNPR believes that either a fuel fly-out or winter road removal are the preferred options for maintaining ecological integrity, as they appear to have the least impact on the environment.

The NNPR concludes that the fly out option would require no construction, less equipment, and fewer field personnel. It would also complete the project much faster. The NNPR does not accept CZN's argument that the fly out option would be too expensive because it does not appear that CZN fully explored or explained the option in the EA Report.

For the winter road option, the NNPR state that the potential impacts would be lessened on terrain, vegetation, water quality, wildlife and aquatic habitat as compared to using the road in the summer. The NNPR concur with CZN's opinion that the safety of personnel during the winter operation is a valid concern but the NNPR point out that the access road was originally designed, built and used as a winter road. The NNPR do not believe that the re-use of a part of this road would create undue safety risks.

The NNPR reviewed a document titled *Draft Reclamation Costing Model for Prairie Creek Minesite* in the presence of INAC personnel. This document contained some information on the various alternatives for the fuel cache retrieval and Cat Camp clean-up, however, the NNPR found that the comparison of alternatives was deficient given that estimated costs were presented for the options of flying out the fuel or incinerating the fuel but no costs are provided for the proposed development of an all-weather road. The EA Report also presents some costs for the fly-out and incineration alternatives but did not provide any costs for the other two rejected alternatives or for the chosen method of using an all-weather road.

The NNPR also found that details of the road proposal were missing from the costing model such as the number, type and location of stream crossings.

CPAWS supports the removal of the fuel cache but not the method being proposed for its removal. CPAWS states that flying out the fuel would be the preferred option as it would be the least environmentally intrusive. If a road is used, CPAWS would prefer to have the removal occur using a winter road as opposed to the re-establishment of the existing road to all-weather status, which would likely lead to further development and activity along the road and possible direct and cumulative impacts.

CPAWS would support delaying the removal of the fuel until using the winter road in 2002 only if the integrity of the fuel tanks is proven through inspection. If the integrity of the tanks is considered suspect, CPAWS would prefer to have the fuel removed by air in the summer of 2001.

Conclusions

The Review Board concludes, based on the analysis provided, that CZN should have provided a structured, quantifiable method of evaluating development alternatives. The Review Board agrees with the NNPR that the development alternatives are rejected without adequate justification and that the evidence for selecting the proposed development is incomplete.

Recommendations

The Review Board does not have any recommendations.

Closure and Reclamation

Describe, report and evaluate, in relation to the proposed development, the abandonment and reclamation of the Tote road and the fuel cache cat camp areas.

CZN states that final reclamation and abandonment of the access road is not proposed at this time. Reclamation of the road would be incorporated into the overall reclamation plan developed for the property to be completed at the termination of mining operations, or at a time when a decision not to proceed with mining operations at Prairie Creek was made.

Upon completion of the fuel transfer, CZN will transport the skid mounted tanks at Cat Camp to the mine site by flatbed. The trailers, barrels, excess culverts and other materials will also be relocated to the mine site. The Cat Camp containment berms will be inspected for contamination and any contaminated soil will be relocated to the mine site for placement in a plastic lined and covered cell for bioremediation. Following clean-up, berms will be recontoured to prevent water ponding and allowed to revegetate naturally.

The GNWT is satisfied that the information provided by CZN in their EA Report is sufficient to support their conclusions regarding environmental impacts.

EC supports the proposed removal of contaminated materials from the Cat Camp fuel storage site for remediation at the mine site in an engineered (lined) land farm area.

The NNPR found during their review of the reclamation costing model that soil and water sampling programs, a PCB sampling program, soil replacement and re-vegetation plans are included as part of the costing model but these items have not been discussed in the EA Report.

Conclusions

The Review Board concludes, based on the analysis provided, that CZN has not provided adequate information on how they will determine the extent of contamination at the Cat Camp, how they will monitor the site to ensure that it has been fully reclaimed and how they will rehabilitate the site.

Recommendations

The Review Board recommends that CZN develop more detailed reclamation plans for the Cat Camp including soil and groundwater sampling and monitoring programs and rehabilitation methods.

Cumulative Effects

Not listed as a separate issue in the Terms of Reference.

CZN concludes that within the narrow spatial boundaries of the immediate mine site area and the surrounding Prairie Creek watershed, the potential for cumulative effects is considered minor. No other development or activity, other than mineral exploration and mine development at the Prairie Creek mine, has occurred in the past, been proposed, or can be reasonably foreseen in the future. The only other activity that has taken place in the area was the peripheral staking of mineral claims surrounding the pre-existing Prairie Creek claim block in May 2000. As the Prairie Creek claim block encompasses the whole of the mineralized trend zone based on current geological interpretation, this staking is believed to be primarily speculative in nature.

Within the broader spatial context of the entire South Nahanni watershed, CZN considers the potential for cumulative effects of the proposed program to also be minor. It is expected that there will be no significant adverse effects on Prairie Creek, the South Nahanni River or the Nahanni National Park Reserve associated with the proposed development.

The Canadian Parks and Wilderness Society indicated that there are two mine sites and three other sites with high potential that it is aware of in the watershed. These are Copper Ridge Exploration's Howard Pass lead, zinc and silver mining project, the Union Carbide project at Lened Creek, the MacTung and CanTung tungsten mines owned by North American Tungsten, and the Prairie Creek mine. With these potential projects existing in the same watershed CPAWS claims there is high potential for significant adverse and cumulative environmental impacts. CPAWS submitted that a watershed scale environmental impact review in conjunction with a cumulative environmental effects assessment be conducted if and when an application to begin operating any single mine in the South Nahanni watershed is received, in order to determine if mining, given its potential environmental risks, is an acceptable land use in the watershed.

CPAWS also takes the position that the access road to the mine is linked and interdependent to the operation of the mine and that an application to re-establish the road would be tantamount to operating the mine and would, therefore, require a full environmental impact review.

The Nahanni National Park Reserve concluded that the cumulative effects component of the environmental assessment report was inadequate, lacked detail, and that it was inappropriate for CZN to claim that since developments occurred in the past, additional new construction on site would have no impact. The NNPR also indicated that the consideration of 'reasonably foreseeable future actions' is not appropriately addressed in the cumulative effects section as there are 'reasonably foreseeable activities', not considered in the environmental assessment. The NNPR noted an unsubstantiated CZN conclusion that "*residual impacts [of previous activity] are principally visual and aesthetic, and confined to physical disturbance directly associated with the construction development of the existing facilities*" citing that CZN provided no data analysis to verify its claim. NNPR indicated that such data could include quantified wildlife inventories, vegetation plots or fisheries assessments, to determine conditions before and after use, and thereby indicate whether or not there are effects beyond the 'visual and aesthetic.'

The NNPR found the paragraph on water quality misleading. The water quality monitoring mentioned started two years after CanTung closed. With no baseline data from before CanTung or data from when CanTung was operating, it is not possible to conclude that CanTung did not affect the water quality.

Conclusions

The Review Board does not agree with CPAWS' assertion that re-establishing the access road to retrieve the fuel cache would be tantamount to operating the mine. The Review Board also notes that the MacTung deposit is not within the South Nahanni Watershed.

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The Review Board agrees with the NNPR that CZN's cumulative effects assessment could have been significantly bolstered. However, the Review Board concludes, based on the scale of the project and the analysis provided, that the proposed development will not likely have a significant adverse cumulative impact.

Recommendations

The Review Board does not have any recommendations.