



Indigenous and  
Northern Affairs Canada

Affaires autochtones  
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# Indigenous and Northern Affairs Canada (INAC)

Technical Report Presentation  
Prairie Creek All Season Road  
MVEIRB EA1415-01 [2014]

Fort Simpson, NWT  
April 26-28, 2017



Canada

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# Presentation Outline

1. Land Tenure
2. Public Access
3. Barge Landing Area
4. Closure and Reclamation





# 1. Land Tenure – Proposed All Season Road/Barge Landing Site

- The north shore barge landing, and a section of the proposed all season road ( KP 160-165) will be located on Indian Affairs Branch Lands (IAB Lands).
- IAB Lands are Federal Crown Lands set aside for the use and benefit of Indian Bands and are managed cooperatively with the Bands under Federal Jurisdiction, but are not owned by the Bands.
- INAC met with the Nahanni Butte Dene Band (February 3, 2017) to discuss IAB lands management and land tenure procedures should the Prairie Creek All Season road be approved.
- The requirement for leases and permits for the IAB lands portion of the project is to insure that the Developer is responsible for, and will address any issues related to accidents, malfunctions and spills on the IAB land to protect the environment as well as the interest of the Nahanni Butte Dene Band in the future.

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## ***Land Tenure for Road and Barge Landing Site cont'd***

- Canadian Zinc acknowledged April 6/17 that they will require a formal License of Occupation for the IAB portion of the proposed road and a federal surface lease for the proposed Barge Landing site.
- For INAC to be able to provide a Licence of Occupation and surface lease, the Nahanni Butte Dene Band must relinquish its interest in IAB lands through a Band Council Resolution (BCR).
- For consistency, the Terms and Conditions in the permit for the road, the federal surface lease and licence of occupation on the IAB portion of the road would mirror those of the Government of the Northwest Territories and Parks Canada.





## Land Tenure – Recommendations

- That the Nahanni Butte Dene Band submit a Band Council Resolution to relinquish interest in IAB Parcel for road and barge landing area at Liard River. The BCR can be submitted with Canadian Zinc's permit and licence applications.
- That the terms and Conditions for the Licence of Occupation for road tenure, and the federal surface lease for the barge landing site would be consistent with the GNWT and Parks Canada.
- That the dispositions issued by Parks Canada, GNWT, and INAC be linked to mine site tenure with similar Terms and Conditions.
- Minimizing the width of road within IAB Parcel as acknowledged by Canadian Zinc to 16 metres to limit impacts within the IAB lot.
- That the Barge Landing sites abut the water lots as stated by Canadian Zinc April 6/17. Canadian Zinc will need to work with INAC & GNWT on Barge Landing site plan and facilities.



# Public Access - Control

- Nahanni Butte Dene Band letter to MVEIRB, December 5, 2016:  
“the purpose of including the road in the withdrawn lands is to provide for a private road designation following land claims settlement, which will confirm and continue the ability of Nahanni Butte to control access to authorized users”.
- A Licence of Occupation for the road would provide a **non-exclusive authorization** to occupy the land for a specific purpose but does **not convey exclusive possession of the land**.
- A Licence of Occupation would not enable either the Nahanni Butte Dene Band or Canadian Zinc from restricting access to the all season road.
- The federal surface lease required for the barge site on IAB lands would enable Canadian Zinc to control access to the area of land leased.
- Although it is not recommended, non mine related traffic could use the All Season Road by accessing it at another point other than the barge and barge landing area.



## Public Access - Recommendations

- INAC recommends that all parties further discuss the issue of access and that access to the proposed road have defined points of control that the proponent has suggested which include:
  - Checkpoints and the ability of Nahanni Butte members to deter non-mine related use,
  - A manned gate during hours of operations,
  - Recording mine and non-mine traffic using the road,
  - A remote camera,
  - Signage warning that the road is a mining road with heavy equipment traffic and that non mine traffic uses the all season road at their own risk.
- It will need to be clear what authority and enforcement is allowable in conjunction with Public Safety.





## Barge Landing Area – Spill Contingency

- Currently, Canadian Zinc has not identified spill equipment storage at the barge landing sites.
- Canadian Zinc has stated the barge landing areas are not high risk sites, however INAC feels these are high risk sites as a fuel or chemical spill at these sites could potentially impact the environment and the community as the sites are adjacent to a river, and are upstream of the Nahanni Butte community.

### Barge Landing Recommendations

- INAC recommends that one of the barge sites be designated as a high risk site based on which site will be used for refueling of the barge.
- Canadian Zinc will need to store a Comprehensive Spill Kit and have a Spill Response Plan for the high risk barge landing to insure quick response in the event of a spill.





## Barge Landing Recommendations cont'd

- Note; If the IAB lands barge site is chosen as the high risk site, any fuel storage tanks over 230 Litres located on the IAB lands will be required to meet the Environment Canada and Climate Change's "*Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*".





Thank you

Questions



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