

January 8, 2016.

## Note to File

EA1415-01

Prairie Creek All Season Road Project, Canadian Zinc Corporation

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To: Distribution List

**Re: Exclusion of an airstrip within the Nahanni National Park Reserve from the scope of development**

The Canadian Zinc Corporation's (CanZinc) proposed all-season road and airstrip project was referred to environmental assessment on May 23, 2014. The initial scope of development included both an all season road and an airstrip within the Nahanni National Park Reserve.

In the Terms of Reference<sup>1</sup> the Review Board stated that it "[would] not make any determinations on the legislative acceptability of an airstrip within the Nahanni National Park Reserve. The eligibility of an airstrip within the Nahanni National Park Reserve depends on the *Canada National Parks Act* and needs to be determined by Parks Canada." Parks Canada indicated in a letter<sup>2</sup> to the Review Board dated April 8, 2015, that it "does not have legislative authority to authorize Canadian Zinc by lease, licence of occupation or easement to construct an airstrip within Nahanni National Park Reserve." Based on this information, the Review Board issued a Note to File<sup>3</sup> on June 19, 2015 indicating that it would not assess an airstrip within the Nahanni National Park Reserve.

Both the DAR (submitted on April 23, 2015) and DAR addendum (submitted on September 9, 2015), submitted by CanZinc, included an assessment of an airstrip at km 55, which is within the Nahanni National Park Reserve. The Review Board requested clarification on the details of the proposed airstrip in a letter to CanZinc<sup>4</sup> on October 2, 2015. CanZinc responded via letter<sup>5</sup> on October 13, 2015

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<sup>1</sup> See section 3.1.1 of the Terms of Reference: [http://reviewboard.ca/upload/project\\_document/EA1415-01\\_Terms\\_of\\_Reference.PDF](http://reviewboard.ca/upload/project_document/EA1415-01_Terms_of_Reference.PDF)

<sup>2</sup> The letter can be found on the registry here: [http://www.reviewboard.ca/upload/project\\_document/EA1415-01\\_Parks\\_Canada\\_letter\\_regarding\\_the\\_airstrip.PDF](http://www.reviewboard.ca/upload/project_document/EA1415-01_Parks_Canada_letter_regarding_the_airstrip.PDF)

<sup>3</sup> The note to file can be found on the registry here: [http://reviewboard.ca/upload/project\\_document/EA1415-01\\_Note\\_to\\_File\\_Consideration\\_of\\_Airstrip\\_19June2015.PDF](http://reviewboard.ca/upload/project_document/EA1415-01_Note_to_File_Consideration_of_Airstrip_19June2015.PDF)

<sup>4</sup> The letter can be found on the registry here: [http://www.reviewboard.ca/upload/project\\_document/EA1415-01\\_Letter\\_to\\_CanZinc\\_DAR\\_AddendumAdequacy.PDF](http://www.reviewboard.ca/upload/project_document/EA1415-01_Letter_to_CanZinc_DAR_AddendumAdequacy.PDF)

<sup>5</sup> The letter can be found on the registry here : [http://www.reviewboard.ca/upload/project\\_document/EA1415-01\\_CanZinc\\_response\\_to\\_MVEIRB\\_2-Oct-2015\\_letter.PDF](http://www.reviewboard.ca/upload/project_document/EA1415-01_CanZinc_response_to_MVEIRB_2-Oct-2015_letter.PDF)





indicating that it “do[es] not agree with Parks Canada’s position” and although it was not currently contesting the point, it “did want to complete our assessment of the airstrip so that a suitable basis is provided for potentially revisiting the development in the future”.

Based on the information provided by CanZinc in their October 13<sup>th</sup> letter, the Review Board requested additional clarification from Parks Canada regarding its rationale for determining that they could not authorize the lease, license of occupation or easement to construct an airstrip within the Nahanni National Park Reserve<sup>6</sup>. Parks Canada responded to this request on November 24, 2015<sup>7</sup>, further describing the legal basis for its determination regarding the authorization of an airstrip within the Nahanni National Park Reserve.

On December 11, 2015, CanZinc responded<sup>8</sup> to Parks Canada’s letter and outlined its reasons for disagreeing with Parks Canada’s interpretation of Section 41.1 of the *Canada National Parks Act*, the legislation which defines the types of activities and developments permissible within the Nahanni National Park Reserve. In this letter, CanZinc “encourage[ed] the Review Board to include the airstrip in the scope of the development” despite the Review Board’s June 19, 2015 statement. CanZinc later indicated in an email on December 17, 2015<sup>9</sup> that it was not requesting a ruling from the Board on this subject at this time.

Upon consideration of all of the materials presented by parties and the developer and since there was not a request for a ruling, the Review Board restates its original position in the Terms of Reference that the scope of the development for this environmental assessment does not include an airstrip within the Nahanni National Park Reserve.

If you have any questions, the contact for the Project is Environmental Assessment Officer Sachi De Souza ((867) 766-7054; [sdesouza@reviewboard.ca](mailto:sdesouza@reviewboard.ca) ).

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<sup>6</sup> The letter can be found on the registry here: [http://www.reviewboard.ca/upload/project\\_document/EA1415-01\\_MVEIRB\\_letter\\_to\\_Parks\\_Canada\\_RE\\_Airstrip\\_6Nov2015.PDF](http://www.reviewboard.ca/upload/project_document/EA1415-01_MVEIRB_letter_to_Parks_Canada_RE_Airstrip_6Nov2015.PDF)

<sup>7</sup> The letter can be found on the registry here: [http://www.reviewboard.ca/upload/project\\_document/EA1415-01\\_Parks\\_Canada\\_response\\_to\\_MVEIRB\\_re\\_Airstrip.PDF](http://www.reviewboard.ca/upload/project_document/EA1415-01_Parks_Canada_response_to_MVEIRB_re_Airstrip.PDF)

<sup>8</sup> The letter can be found on the registry here: [http://www.reviewboard.ca/upload/project\\_document/EA1415-01\\_CZN\\_Letter\\_to\\_MVEIRB\\_re\\_Airstrip\\_Dec\\_11\\_2015.PDF](http://www.reviewboard.ca/upload/project_document/EA1415-01_CZN_Letter_to_MVEIRB_re_Airstrip_Dec_11_2015.PDF)

<sup>9</sup> The email can be found on the registry here: [http://www.reviewboard.ca/upload/project\\_document/EA1415-01\\_email\\_17Dec2015\\_CZN\\_clarification\\_of\\_request\\_for\\_Board\\_Consideration.PDF](http://www.reviewboard.ca/upload/project_document/EA1415-01_email_17Dec2015_CZN_clarification_of_request_for_Board_Consideration.PDF)