

March 14, 2017

Notice of Proceeding

Prairie Creek All Season Road Project, Canadian Zinc Corporation

To: Distribution List

Subject:

- 1. Procedure for consideration of *Prairie Creek mine all season road habitat loss and offset* memo submitted March 9, 2017**
- 2. Submission of materials referenced or relied upon in technical reports**

This notice of proceedings discusses two separate but related topics. Part 1 informs parties how to respond to the habitat loss and offset memo submitted by Canadian Zinc Corporation (CanZinc) on March 9th, 2017. Part 2 discusses the submission of materials that have informed or are referenced in parties' technical reports.

Part 1- Responding to CanZinc's habitat loss and offset memo

On March 9, 2017, CanZinc submitted a memo to the Review Board titled "Prairie Creek Mine, all season road habitat loss and offset" (the "Memo"). The Memo was submitted one day prior to the due date for technical report submissions by parties. The Memo from CanZinc provides information on the Prairie Creek Mine all season road aquatic habitat balance, providing estimates of both habitat function loss/alteration and gains. The document is on the Review Board's public registry and is found [here](#).

The due date for technical reports by parties was March 10, 2017. Submission of the Memo one day prior to the due date did not give parties a reasonable amount of time to consider this new information in their technical reports. Technical reports are the final submission from parties prior to public hearings. In order for the information in the Memo to be considered during public hearings, parties must be allowed to address it in their technical reports and present their views on whether this information modifies their findings on the potential for significant adverse impacts.

In order to be procedurally fair and reasonable, all parties are now given the opportunity to submit a technical report supplement based on the information contained in the Memo. Parties may only use this supplement to revise their technical report findings on the topic of fish habitat based on information in the CanZinc March 9 Memo.

The due date for the technical report supplement from parties is **March 22**. CanZinc will respond to any technical report supplements along with its responses to technical reports on April 7, 2017.

Part 2- Submission of materials referenced or relied upon in technical reports

Under rule #34 the Review Board's [Rules of Procedure](#) (the Rules): "Any information or document to be relied on during a proceeding must be provided to all parties in advance and in accordance with any timelines set by the Board." The deadline for parties' technical reports has now passed and the **Review Board reminds all parties to ensure that any document that has informed a position or statement in a technical report is filed on the public registry**. This includes any document that is referenced or otherwise relied upon in a technical report. A failure to file such documents with the Board could mean that a party will fail to meet its evidentiary burden. Not filing supporting documents could undermine the foundation of any related conclusions and recommendations made to the Board in technical reports.¹

If your parties' technical report references or relies on any documents that are not currently on the public registry, please submit them to the Review Board as soon as possible.

If any party is unsure if, or how, a document may be submitted due to concerns over ownership or confidentiality, a list of such documents should be submitted to the Review Board. The list should include a description of why the document may be important to the environmental assessment and why it has not yet been submitted to the public registry. If such documents appear to be relevant and helpful, the Review Board may accept documents under confidential cover, as described under #24 and #25 of the Rules.

With regard to notes or reports from "sidebar" meetings between parties and the developer, the Review Board encourages such meetings as a means of discussing issues of particular interest. In order to ensure fairness and transparency, the Review Board requests that both parties submit meeting notes detailing any resulting agreements and/or commitments that are relevant to the environmental assessment. If your party has engaged in any such meetings with the developer, please ensure that a meeting report, and any relevant information resulting from those meetings, is submitted to the Review Board for placement on the public registry. Meeting report templates can be found on the Review Board website [here](#). If parties have not agreed to submit a joint record of such a meeting, individual parties may each submit their own record of the meetings. The Review Board will take any lack of consensus into consideration when examining and weighing the evidence contained therein.

If you have any questions, contact A/Manager of Environmental Assessment Chuck Hubert at (867) 766-7052 or chubert@reviewboard.ca or Environmental Assessment Officer Catherine Fairbairn at (867) 766-7054 or cfairbairn@reviewboard.ca.

¹ For further clarity, rule #17 of the Review Board's Rules of Procedure states: "Any party or member of the public seeking to convince the Review Board of any point or position in a proceeding bears the burden of proof in so doing and has the responsibility to introduce information or evidence to support their position." And, rule #35 states: "Failure to disclose information or documents as required by the direction on procedure and these Rules may result in the Review Board ruling that the information or documents are inadmissible in the proceeding."