

March 27, 2017

Notice of Proceeding

Prairie Creek All Season Road Project, Canadian Zinc Corporation

Re: Procedures for community and formal (technical) hearings

1 Introduction

1.1 Hearings

The Review Board typically holds two types of public hearings: community hearings and formal (technical) hearings. Community hearings are informal and are held in potentially affected communities so that the Review Board can hear the views and opinions of community members. Formal hearings are more structured and are intended to hear arguments from the developer and parties regarding impacts related to the proposed development, and provide an opportunity for questioning.

Members of the public are encouraged to comment during the community hearings (see section 2 of this notice), and are welcome to attend the formal hearings (there will be an allotted time for public comments at the end of each day). Members of the public may also submit written comments to the Review Board, following the guidance in section 4 of this notice.

Agendas for the hearings will be provided under separate cover. The agendas may be changed at the discretion of the Chair.

A plain language handout explaining the final public hearing phase of an environmental assessment can be found on the Review Board's website [here](#).

1.2 Pre-hearing conference

A pre-hearing conference with parties, the developer, and Review Board staff will be held on April 10, 2017. Board members do not attend the pre-hearing conference. Discussion topics will include:



- the hearing agenda
- the hearing format
- timing and sequencing for hearing presentations and questioning
- the Review Board's expectations of parties and the developer
- general questions

The pre-hearing conference will be held at the Review Board office in Yellowknife, with teleconferencing available. A pre-hearing conference agenda with details on how to participate is forthcoming.

2. Community hearings – Nahanni Butte, April 24, 2017; Fort Simpson April 25, 2017

2.1 Overview

The Review Board holds informal community hearings to directly hear the public's views on a project. The final agenda for the community hearings is forthcoming.

An overview of the process during a community hearing is as follows:

- Opening remarks from the Chairperson of the Review Board
- Opening welcome from Chief of the community
- The developer briefly describes the project
- Local government gives a brief presentation (this is not the technical report; technical reports are presented at the formal hearing)
- Community members are encouraged to make statements to the Review Board
- Community members may also ask questions to the developer and any party representatives in attendance
- Statements to the Review Board and questioning of party representatives must be within the scope of the environmental assessment for the Prairie Creek All Season Road Project

Community hearings will have simultaneous translation and will have transcription services. Transcripts will be posted to the public registry the day following each hearing.

Hearing times for the community hearings will be during the afternoon and evening to maximize participation for people with varying work schedules. These times will be confirmed in the agenda to follow.



2.2 Government representation at community hearings

The Review Board is of the view that government representative participation at community hearings is helpful to community members who have questions about government initiatives or policies relevant to the environmental assessment. Toward this end, the Review Board has requested that the Government of the Northwest Territories and the Government of Canada (Indigenous and Northern Affairs Canada and Parks Canada Agency) send representatives to the community hearings.

3. Formal (technical) hearings – Fort Simpson April 26-28, 2017

3.1 Overview

The Review Board holds formal, or technical, hearings in order to hear the views and opinions of parties and the developer on whether or not a development is likely to have significant adverse impacts on people or the environment. The final agenda for the formal hearing in Fort Simpson is forthcoming.

Each day of the formal hearing will focus on the key lines of inquiry and subjects of note identified during the environmental assessment. An overview of the process for each day of the formal hearing is as follows:

- The developer will present its position on potential impacts of the proposed project on the biophysical environment, including on cultural, social, and economic values.
- Parties will provide a presentation that summarizes their technical report.
- The opportunity for questioning after each presentation is granted to all parties, the developer, Review Board staff, and Board members. Questioning will occur within the timelines described on the agenda.

Formal hearings will have simultaneous translation available on an as needed basis and will have transcription services. Transcripts will be posted to the public registry the day following each hearing.

3.2 Parties to the environmental assessment

At the formal hearings in Fort Simpson, parties will make presentations of the information submitted in their technical reports.

Parties are listed alphabetically below. The order of presentations and questioning from parties will be discussed at the pre-hearing conference.



1. Canadian Zinc Corporation (developer)
2. Canadian Parks and Wilderness Society – NWT Chapter¹
3. Dehcho First Nations
4. Environment Canada
5. Fisheries and Oceans Canada
6. Government of the Northwest Territories
7. Indigenous and Northern Affairs Canada
8. Nahanni Butte Dene Band
9. Natural Resources Canada
10. Parks Canada Agency

3.3 Independent technical advisor participation

Oboni Riskope is an independent third party technical advisor for this environmental assessment. Oboni Riskope will participate via teleconference on Day 1 of the formal hearing only. Oboni Riskope will present a plain language summary of its risk assessment to the Review Board on April 26. Oboni Riskope will be available for questioning by parties, the developer and the Review Board after its presentation. Oboni Riskope will not ask questions of the developer or parties during the hearings. Oboni Riskope will not file closing arguments or other material after the public hearings and will not participate in Review Board deliberations.

3.4 Presentations

Presentations are a summary of material already submitted to the Review Board in parties' technical reports, or as otherwise discussed in the pre-hearing conference. **Presentations should only focus on the points and recommendations that parties feel will assist the Review Board in making environmental assessment decisions on the proposed project.** The Review Board strongly encourages parties' presentations to be brief and focused in order to allow sufficient time for questioning by other parties. More information about [hearing presentations](#) can be found on the Review Board's website.

3.5 Questioning

Following each presentation, other parties, the developer, Review Board staff/legal counsel, and Board members will all have the opportunity to ask questions. Questions should be as succinct as possible. If your line of questioning requires the examination of graphs, figures or

¹ Canadian Parks and Wilderness Society – NWT Chapter (CPAWS-NWT) did not submit a technical report and, therefore, will not make a presentation at the formal hearings. As a registered party, and having participated throughout the EA, CPAWS-NWT may participate in questioning during the formal hearing.



supporting documents, please come prepared with copies of these items for distribution to the developer, other parties, and the Review Board.

The Chair may decide to allow parties to question one another directly, rather than directing all questions and responses through the Chair. This decision will be at the discretion of the Chair and will be clarified during the Chair's opening statements.

3.6 Undertakings and commitments

Undertakings refer to questions or issues that the developer or other parties are unable to answer immediately during the course of the hearing. Undertakings will be clarified during the hearing, numbered for consistency and recorded in the transcripts. While some undertakings may be responded to within a day or two, others may require more time. The due date for responses to undertakings will be confirmed at the hearings (usually 2 weeks).

Any commitments made by the developer during the hearing will be recorded and added to the existing commitments. Commitments will be included in the final Report of Environmental Assessment for the Prairie Creek All Season Road Project.

3.8 Teleconference

Teleconference will be available in Fort Simpson for the formal hearings. Please inform Review Board staff in advance of the hearing if you wish to participate via teleconference. If you wish to ask questions during the hearing but are unable to attend in person, you must have a representative in the hearing room who can ask questions on your behalf. The number and participant code is:

Dial-in: 1.877.733.5390

Participant code: 4631621989

The community hearings in Nahanni Butte and Fort Simpson will not have teleconference.

4. Public participation

The Review Board welcomes contributions from the public during the hearing phase. The community hearings in Nahanni Butte (April 24) and Fort Simpson (April 25) are set aside for the public to speak directly to the Review Board. The public may also question the developer and representatives from other parties at the community hearings, provided questions are within the scope of the environmental assessment.



During the formal hearings April 26-28, the last half hour of each day will be set aside for members of the public to present their views directly to the Review Board. Please note that members of the public will not be permitted to ask questions to the developer or other parties during this time. At the formal hearings, members of the public are asked to sign-in with Review Board staff on each hearing day if they wish to speak.

5. Closure of the public record and written closing arguments

5.1 Temporary closure of the public record

The public record will be temporarily closed from April 7, after the developer submits its responses to technical reports, until the first day of hearings on April 24. The exception to this is submission of parties' hearing presentations (due April 13) and the developer's hearing presentation (due April 20). The purpose of the closure of the public record is to ensure that no new information is submitted prior to the hearings that other parties have not had adequate opportunity to review. The Review Board may post some proceeding directives or other pieces of information concerning hearing logistics during this time.

Any planned meetings between parties and the developer should occur before April 7. If they occur after this date, meeting notes or minutes will not be posted on the registry until it re-opens.

5.2 Re-opening of the public record and written closing arguments

The public record will be re-opened at the start of the public hearings. The registry will be updated with items including hearing transcripts, undertakings, and commitments.

After responses to undertakings are posted to the public record, parties will have the opportunity to submit written closing arguments to the Review Board. Closing arguments are an opportunity for parties to: (1) update their positions and recommendations based on the discussions at the hearings or the contents of the undertakings; and (2) summarize the parties' final views on significance and recommendations to the Review Board. **Written closing arguments must not contain any new evidence** and must be based entirely on evidence already included on the public record.

5.3 Late Submission Policy

Filing dates for post-hearing materials will be confirmed during the hearings.



Party submissions are subject to the Review Board's [Late Submission Policy](#) and late submissions will not be accepted unless a written request for extension has been received and approved by the Board prior to the deadline for that submission.

Mackenzie Valley Review Board
Tel (867) 766-7052 or 766-7054
Fax: (867) 766-7074
Email: chubert@reviewboard.ca or
cfairbairn@reviewboard.ca