



Canadian Northern Economic
Development Agency

Agence canadienne de développement
économique du Nord



Government of
Northwest Territories
Gouvernement des
Territoires du Nord-Ouest

5019 – 52nd Street
Yellowknife, NT – X1A 1T5

September 12, 2017

VIA Email & Fax

Chief Peter Marcellais
Nahanni Butte Dene Band
General Delivery
Nahanni Butte, NT, X0E 0N0

RE: Invitation to provide comments for Aboriginal consultation and potential accommodation regarding the Report of Environmental Assessment on the proposed Prairie Creek All Season Road (EA1415-01)

Dear Chief Marcellais,

In its September 12, 2017 Report of Environmental Assessment and Reasons for Decision (REA), the Mackenzie Valley Environmental Impact Review Board (the Review Board) recommended to the Minister of Indigenous and Northern Affairs that Canadian Zinc's (the developer) proposed Prairie Creek All Season Road Project (the Project) be approved, subject to the implementation of the mitigative measures and the developer's commitments as listed in the REA.

The REA is available at this link: http://reviewboard.ca/registry/project_detail.php?project_id=680&doc_stage=11

The Review Board's environmental assessment process (EA) provides for the consideration of expressed concerns relating to a project. Under section 35 of the *Constitution Act* (1982) and with specific respect to the Project's EA, the Government of Canada (Canada) and the Government of the Northwest Territories (GNWT) have joint Aboriginal consultation responsibilities. Canada and the GNWT are continuing to work collaboratively in assessing the Project, and consider the EA to be the most effective means for all groups to identify and potentially address concerns with the Project. For that reason, the responsible ministers (RMs) for these governments with jurisdiction related to the Project rely on the EA to assist in fulfilling the duty to consult and where appropriate accommodate with respect to potential adverse impacts of the Project on asserted or established Aboriginal and/or Treaty rights.

As the federal Crown Consultation Coordinator for the Project, the Canadian Northern Economic Development Agency's (CanNor) Northern Projects Management Office (NPMO) – on behalf of the federal responsible Ministers and in collaboration with the GNWT Department of Lands acting on behalf of the GNWT – is consulting the Nahanni Butte Dene Band (NBDB) to determine whether the EA process addresses the concerns that the NBDB identified to date regarding potential adverse impacts of the Project on the NBDB's established or asserted Aboriginal and/or Treaty rights. We note that the NBDB participated as a party in the above noted EA.

The Review Board conducted a thorough and inclusive EA process, with opportunities in the EA to:

- provide input

Canada 

- make information requests;
- provide submissions;
- present and to ask questions at the April 2017 public hearing, and;
- provide closing arguments in May 2017.

Canada and the GNWT (the governments) are not seeking to revisit the EA process, rather the governments are seeking the views of the NBDB as to whether the EA process to date, including the developer's commitments and MVEIRB's recommended measures in the REA, addresses the concerns that the NBDB identified during the EA process. Specifically, the governments are seeking from the NBDB a response to the following:

- Are there any specific activities or components of the Project which, after considering the recommended measures, developer's commitments, and other content in the REA, you may identify as still having the potential to adversely impact your established or asserted Aboriginal and/or Treaty rights?
- If so, please specify the nature of the outstanding potential adverse impact and what additional steps you would recommend to address the potential adverse impact.

Because the Project is located partially on federal land, the Minister of Indigenous and Northern Affairs will sign the final decision letter responding to the Review Board's recommendation and REA, NPMO will act as the single point of contact for NBDB during this consultation process. All correspondence between the NBDB and NPMO pertaining to the Project will be shared with the governments as well as the Review Board, and the governments will respond separately, as appropriate.

Please provide your written comments directly to NPMO's Project Officer, Umar Hasany (Umar.Hasany@CanNor.gc.ca), by October 12, 2017. If additional time is required given the community's recent evacuation due to the wildfires in the area or if you have questions about the process outlined above, you may contact Umar at (867) 669-2623.

It is important to note that to date no ministerial decisions have been made regarding the Review Board's recommendation(s) in the REA. Your input is important for informing overall decisions relating to the Project.

Thank you for your timely attention on this matter.

Sincerely,



Matthew Spence
 Director General
 NPMO
 CanNor
 Government of Canada



Kate Hearn
 Assistant Deputy Minister
 Coordination and Planning
 Lands
 GNWT

cc: **Mark Hopkins, Director General, Natural Resources and Environment Branch, Indigenous and Northern Affairs Canada**

Dr. Joe Dragon, Deputy Minister, GNWT Department of Environment and Natural Resources

Willard Hagen, Deputy Minister, GNWT Department of Lands

Katherine Cumming, National Manager of Impact Assessment, Natural Resource Conservation Branch, Parks Canada Agency

Jonathan Tsetso, Superintendent of Nahanni National Park Reserve, Parks Canada Agency

Nicholas Winfield, Director General, Ecosystem Programs Policy, Fisheries and Oceans Canada

Patrick O'Neil, Director General, Explosive Safety and Security Branch, Natural Resources Canada

Georgina Williston, Head, Environmental Assessment North, Environment and Climate Change Canada

Mark Cliffe-Phillips, Executive Director, Mackenzie Valley Environmental Impact Review Board

Rebecca Chouinard, Executive Director, Mackenzie Valley Land and Water Board

Gary Bohnet, Principal Secretary, Office of the Premier of the Northwest Territories

Mike Aumond, Secretary to Cabinet, GNWT Executive and Indigenous Affairs