



Mackenzie Valley Land and Water Board
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September 3, 2019

File: MV2019T0021

Mr. David Harpley
Canadian Zinc Corporation
1710 – 650 W. Georgia St.
Vancouver BC V6B 4N9

Email: David.Harpley@norzinc.com

Dear Mr. David Harpley:

Issuance of Type A Land Use Permit
Staging Area – North side of the Liard River Barge Landing, NT

Attached is Type A Land Use Permit MV2019T0021 granted by the Mackenzie Valley Land and Water Board (MVLWB or the Board) to the Canadian Zinc Corporation (CZN) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA). This Permit has been approved for a period of five years effective September 3, 2019 and expiring September 2, 2024.

Preliminary Screening Exemption Confirmation

Based on the evidence provided, the Board has also confirmed that the Application is exempt from preliminary screening as per Schedule 1, Paragraph 2.1 of the Exemption List Regulations of the MVRMA which states:

A development, or part thereof, for which renewal of a permit, licence or authorization is requested that

- a) was part of a development that fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*; and
- b) has not been modified since the development referred to in paragraph (a) fulfilled the requirements of the environmental assessment process established by the *Mackenzie Valley Resource Management Act*.

Permit Conditions

Please read all conditions carefully. For the purpose of submitting plans in accordance with this Permit, the date of this letter, August 29, 2019, is the date of commencement. The Board reminds CZN that the scope of the Permit, and Condition 57 (MAXIMUM FUEL ON SITE) do not allow for the storage of fuel (Review Comment Table: GNWT-ENR 8).

Reclamation Security

In accordance with Permit condition 52, a security deposit in the amount of \$16,000.00 shall be posted with the Minister and copied to the Board prior to the start of the operation under section 32 of the Mackenzie Valley Land Use Regulations. As delegated under Schedule A of the Delegation Instrument under the MVRMA, this security deposit, **payable to the Government of the Northwest Territories** in the amount of \$16,000.00, shall be submitted to: the Government of the Northwest Territories, Department of Lands, North Slave Regional Office, 140 Bristol Avenue, Yellowknife NT, X1A 3T2. For more information about posting security with the GNWT, please contact Charlene Coe, Land Use Advisor, at (867) 767-9187 (ext. 24194). Please send a copy of the receipt for the security deposit to the MVLWB office prior to the start of your operation.

Engagement Plan - Approved

The Board hereby approves the Engagement Plan, dated July 12, 2019, as required by Condition 77 of the Permit.

Management Plans – Resubmission Required

The Board hereby requires that CZN resubmit their Waste Management Plan (condition 74) and Spill Contingency Plan (condition 75) prior to commencement of activities, to reflect upon the public review, as summarized below and outlined in the Reasons for Decision and Review Summary Table (attached). These Plans will be considered to be approved, conditionally upon receipt of this information and written confirmation of conformity from Board staff.

1. Required revisions to the Waste Management Plan, Version 2:
 - As personnel will be on site during mobilization and demobilization activities, the Waste Management Plan should be revised to reflect the potential for on-site waste management and off-site waste disposal, including domestic sewage (Reviewer Comment Table: GNWT-ENR 1; GNWT-Lands - Dehcho Region-2, GNWT-Land Use Advisor 10 and 11).
 - Attach the appropriate notification to fulfill Condition 42 (OFF-SITE DISPOSAL) or describe a plan to obtain it (GNWT-ENR 1, 19).
 - Include contact information for mine site personnel as these individuals are closest in proximity to the staging area (GNWT-Lands – Land Use Advisor 6).
 - As the Permit scope allows for the use of equipment, there is the potential to have spills and wastes from remediating these spills. Include connections to the Spill Contingency Plan in the Waste Management Plan, Version 2.

2. Required revisions to the Spill Contingency Plan, Version 2:
 - Review and revise the entirety of the Plan to apply specifically to the activities associated with the staging of equipment and materials, instead of the mine site. Two examples include section 4.1 and section 5.2, which references bulk fuel spill response. No fuel should be stored on site (Condition 57).
 - Revise the Plan to specifically identify the proposed location(s) of spills kits at the staging area (GNWT-ENR 5, 6, 8, 9).
 - Provide an explanation of the measures and operational procedures planned for safeguarding the equipment and materials when activities on-site are not under way (GNWT-Lands – Land Use Advisor).

- Include contact information for mine site personnel as these individuals are closest in proximity to the staging area (GNWT-Lands – Land Use Advisor 3).
- As mobilization and demobilization of equipment will involve its use, which is provided for in the Permit's scope, there is a potential for spills. Include more specific details about plans to inform and train personnel in spill contingency practices (GNWT-Lands – Land Use Advisor 4).

The Board encourages CZN to survey the staging area for wildlife habitat prior to commencement of activities, and throughout the duration of the staging activities (GNWT-ENR 12).

Discontinuance

Should you wish to discontinue your land-use operation at any time prior to the expiry date set out in the Permit, a written notice of discontinuance is required as per section 37 of the MVLUR, in addition to the submission of a final plan.

Public Registry

A copy of this Permit and all related correspondence and documents has been filed on the [Public Registry](#) at the MVLWB office. Please be advised that this letter, inspection reports, and related correspondence is part of the Public Registry and is intended to keep all interested parties informed of the manner in which the Permit requirements are being met. All Public Registry material will be considered if an amendment to the Permit is requested.

The full cooperation of the Canadian Zinc Corporation is anticipated and appreciated. If you have any questions or concerns, please contact Julian Morse at (867) 766-7453 or via email at jmorse@mvlwb.com.

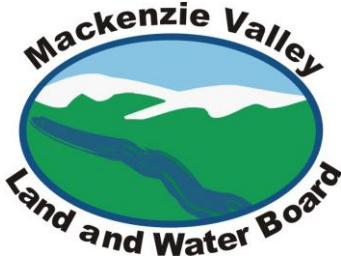
Yours sincerely,



Mavis Cli-Michaud
MVLWB, Chair

Copied to: Distribution List
Charlene Coe, GNWT, Land Use Advisor

Attached: Land Use Permit MV2019T0021
Reasons for Decision
Review Comment Table



Land Use Permit

Permit Class	Permit No	Amendment No
A	MV2019T0021	-

Subject to the Mackenzie Valley Land Use Regulations and the terms and conditions in this Permit, authority is hereby granted to:

Canadian Zinc Corporation

Permittee

to proceed with the land use operation described in the Application of:

Signature Mr. David Harpley	Date July 11, 2019
Type of Land Use Operation Staging Area	
Location North side of the Liard River Barge Landing, NT	

This Permit may be assigned, extended, discontinued, suspended, or cancelled pursuant to the Mackenzie Valley Land Use Regulations.

Dated at Yellowknife, NT this 29 day of August, 2019

Signature Chair

Mavis Cli-Michaud

Signature Witness

Amanda Gauthier

Effective Date:

September 3, 2019

Expiry Date:

September 2, 2024

ATTENTION

It is a condition of this Permit that the Permittee comply with the provisions of the *Mackenzie Valley Resource Management Act* and Regulations and the terms and conditions set out herein. A failure to comply may result in suspension or cancellation of this Permit.

Conditions Annexed to and Forming Part of Land Use Permit # MV2019T0021

Part A: Scope of Permit

1. This Permit entitles the Permittee to conduct the following land-use operation:
 - a) Use of equipment, vehicles, and machines;
 - b) Operation of a barge landing and materials storage area; and
 - c) Storage of materials for access road construction.
2. This Permit is issued subject to the conditions contained herein with respect to the use of land for the activities and area identified in Part A, item 1 of this Permit.
3. Compliance with the terms and conditions of this Permit does not excuse the Permittee from its obligation to comply with the requirements of any applicable Federal, Territorial, Tłıchǫ, or Municipal laws.

Part B: Definitions (defined terms are capitalized throughout the Permit)

Act - the *Mackenzie Valley Resource Management Act*.

Board - the Mackenzie Valley Land and Water Board established under Part 4 of the Act.

Dogleg - the clearing of a line, trail, or right-of-way that is curved sufficiently so that no part of the clearing beyond the curve is visible when approached from either direction.

Engagement Plan - a document, developed in accordance with the Board's *Engagement and Consultation Policy* and the *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits*, that clearly describes how, when, and which engagement activities will occur with an affected party during the life of the project.

Fuel Storage Container - a container for the storage of petroleum or allied petroleum products with a capacity of less than 230 litres.

Fuel Storage Tank - a closed container for the storage of petroleum or allied petroleum products with a capacity of more than 230 litres.

Greywater - all liquid wastes from showers, baths, sinks, kitchens, and domestic washing facilities but not including toilet wastes.

Habitat - the area or type of site where a species or an individual of a species of wildlife naturally occurs or on which it depends, directly or indirectly, to carry out its life processes.

Inspector - an Inspector designated by the Minister under the Act.

Minister - the Minister of Indian Affairs and Northern Development Canada or the Minister of the Government of the Northwest Territories – Department of Lands, as the case may be.

Ordinary High Water Mark - the usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bank-full level” which is often the 1:2 year flood flow return level. In inland lakes, wetlands, or marine environments, it refers to those parts of the Watercourse bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominately aquatic vegetation to terrestrial vegetation (excepting water tolerant species). For reservoirs, this refers to normal high operating levels (full supply level).

Permittee - the holder of this permit.

Sewage - all toilet wastes and Greywater.

Spill Contingency Plan - a document, developed in accordance with Aboriginal Affairs and Northern Development Canada’s *Guidelines for Spill Contingency Planning* (April 2007), that describes the set of procedures to be implemented to minimize the effects of a spill.

Sump - a man-made pit or natural depression in the earth's surface used for the purpose of depositing Waste that does not contain Toxic Material, such as non-toxic Drilling Waste or Sewage, therein.

Toxic Material - any substance that enters or may enter the environment in a quantity or concentration or under conditions such that it:

- a) Has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- b) Constitutes or may constitute a danger to the environment on which life depends; or
- c) Constitutes or may constitute a danger in Canada to human life or health.

Waste - any garbage, debris, chemical, or Toxic Material to be used, stored, disposed of, or handled on land, and also as defined in section 51 of the Act.

Waste Management Plan - a document, developed in accordance with the Board’s *Guidelines for Developing a Waste Management Plan*, that describes the methods of Waste management from Waste generation to final disposal.

Watercourse - a natural body of flowing or standing water or an area occupied by water during part of the year, and includes streams, swamps and gulches but does not include groundwater.

Part C: Conditions Applying to All Activities (headings correspond to subsection 26(1) of the Mackenzie Valley Land Use Regulations)

Condition	Category
26(1)(a) Location and Area	
1. The Permittee shall not conduct any part of the land-use operation within 300 metres of any privately owned or leased land or structure, unless otherwise authorized in writing by the Board.	PRIVATE PROPERTY
2. The Permittee shall not conduct any part of the land-use operation within 300 metres of a cabin used for traditional activities, including trapping, hunting, or fishing, unless otherwise authorized in writing by the Board.	AVOID CABINS
3. The Permittee shall not construct parallel lines or roads, unless an existing line or road cannot be used.	PARALLEL ROADS
4. The Permittee shall locate all lines, trails, and right-of-ways to be constructed parallel to any Watercourse a minimum of 100 metres from the Ordinary High Water Mark, except at crossings.	PARALLEL WATERCOURSE
5. The Permittee shall not conduct this land-use operation on any lands not designated in the complete application.	LOCATION OF ACTIVITIES
6. Prior to the commencement of the land-use operation, the Permittee shall accompany an Inspector during an inspection of the proposed land use area.	INSPECT LOCATIONS
7. The Permittee shall confine the width of the right of way to a maximum of ten metres, unless otherwise authorized in writing by an Inspector. The Permittee shall not clear a right-of-way that is wider than 12 metres.	WIDTH RIGHT-OF-WAY
8. 26(1)(b) Time	
9. At least 48 hours prior to the commencement of the land-use operation, the Permittee's Field Supervisor shall contact an Inspector at (867) (867) 695-2626.	CONTACT INSPECTOR
10. At least 48 hours prior to commencement of the land-use operation, the Permittee shall provide the following information, in writing, to the Board and an Inspector:	IDENTIFY AGENT
<ul style="list-style-type: none"> a) the name(s) of the person(s) in charge of the field operation; b) alternates; and c) all methods for contacting the above person(s). 	
11. At least ten days prior to the completion of the land-use operation, the Permittee shall advise an Inspector of:	REPORTS BEFORE REMOVAL
<ul style="list-style-type: none"> a) the plan for removal or storage of equipment and materials; and b) when final cleanup and reclamation of the land used will be completed. 	

12.	26(1)(c) Type and Size of Equipment	
13.	The Permittee shall not use any equipment except of a similar type, size, and number to that listed in the complete application.	ONLY APPROVED EQUIPMENT
14.	The Permittee shall use portable ramps during loading or unloading of ships or barges.	PORTABLE RAMPS
15.	The Permittee shall maintain fire-fighting equipment at the site in accordance with the <i>Government of the Northwest Territories' Forest Fire Prevention and Suppression Guidelines for Industrial Activities</i> .	FIRE-FIGHTING EQUIPMENT
16.	26(1)(d) Methods and Techniques	
17.	The Permittee shall Dogleg lines, trails and right-of-ways that approach Watercourses or public roads.	DOGLEG APPROACHES
18.	Prior to the movement of any vehicle that exerts pressure on the ground in excess of 35 kPa, the Permittee shall scout proposed lines and routes to select the best location for crossing streams and avoiding terrain obstacles.	DETOURS AND CROSSINGS
19.	26(1)(e) Type, Location, Capacity, and Operation of All Facilities	
20.	The Permittee shall ensure that the land use area is kept clean at all times.	CLEAN WORK AREA
21.	The Permittee shall not locate any Sump within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	SUMPS FROM WATER
22.	26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion, Slides, and Subsidence of Land	
23.	The land-use operation shall not cause obstruction to any natural drainage.	NATURAL DRAINAGE
24.	The Permittee shall minimize erosion by installing erosion control structures as the land-use operation progresses.	PROGRESSIVE EROSION CONTROL
25.	The Permittee shall not conduct off-road vehicle travel in areas without snow-covered surfaces.	OFF-ROAD VEHICLE TRAVEL
26.	The Permittee shall prepare the site in such a manner as to prevent rutting of the ground surface.	PREVENTION OF RUTTING
27.	The Permittee shall suspend overland travel of equipment or vehicles at the first sign of rutting.	SUSPEND OVERLAND TRAVEL

28.	The Permittee shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.	VEHICLE MOVEMENT FREEZE-UP
29.	The Permittee shall not cut any stream bank, unless otherwise authorized in writing by an Inspector.	STREAM BANKS
30.	The Permittee shall minimize approach grades on all Watercourse crossings.	MINIMIZE APPROACH
31.	The Permittee shall not ford wet streams.	NO FORDING OF STREAMS
32.	26(1)(g) Use, Storage, Handling, and Ultimate Disposal of Any Chemical or Toxic Material	
33.	At least seven days prior to the use of any chemicals that were not identified in the complete application, the MSDS sheets must be provided to the Board and an Inspector.	CHEMICALS
34.	Prior to the expiry date of this Permit or the end of the land-use operation whichever comes first, the Permittee shall backfill and restore all Sumps, unless otherwise authorized in writing by an Inspector.	BACKFILL SUMPS
35.	The Permittee shall maintain a record of all spills. For all reportable spills, in accordance with the GNWT <i>Spill Contingency Planning and Reporting Regulations</i> , the Permittee shall: a) immediately report each spill to the 24-hour Spill Report Line (867) 920-8130; b) report each spill to an Inspector within 24 hours; and c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.	REPORT SPILLS
36.	The Permittee shall dispose of all Toxic Material as described in the approved Waste Management Plan.	WASTE CHEMICAL DISPOSAL
37.	The Permittee shall dispose of all combustible Waste petroleum products by removal to an approved disposal facility.	WASTE PETROLEUM DISPOSAL
38.	26(1)(h) Wildlife and Fish Habitat	
39.	The Permittee shall take all reasonable measures to prevent damage to wildlife and fish Habitat during this land-use operation.	HABITAT DAMAGE

40.	26(1)(i) Storage, Handling, and Disposal of Refuse or Sewage	
41.	The Permittee shall adhere to the Waste Management Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	WASTE MANAGEMENT
42.	Prior to any off-site disposal of waste, the Permittee shall provide written notification to the Board and Inspector demonstrating that a licenced disposal facility has agreed to accept the Waste and has the capacity to receive the volumes of Waste requested.	OFF-SITE DISPOSAL
43.	The Permittee shall keep all garbage and debris in a secure container until disposal.	GARBAGE CONTAINER
44.	The Permittee shall dispose of all garbage, Waste, and debris as described in the approved Waste Management Plan, unless otherwise authorized in writing by an Inspector.	REMOVE GARBAGE
45.	The Permittee shall dispose of all Sewage and Greywater as described in the approved Waste Management Plan.	SEWAGE DISPOSAL – PLAN
46.	26(1)(j) Protection of Historical, Archaeological, and Burial Sites	
47.	The Permittee shall not operate any vehicle or equipment within 150 metres of a known or suspected historical or archaeological site or burial ground.	ARCHAEOLOGICAL BUFFER
48.	The Permittee shall not knowingly remove, disturb, or displace any archaeological specimen or site.	SITE DISTURBANCE
49.	The Permittee shall, where a suspected archaeological or historical site, or burial ground is discovered: a) immediately suspend operations on the site; and b) notify the Board at (867) 669-0506 or an Inspector at (867) 695-2626, and the Prince of Wales Northern Heritage Centre at 767-9347 ext. 71250 or ext. 71251.	SITE DISCOVERY AND NOTIFICATION
50.	26(1)(k) Objects and Places of Recreational, Scenic, and Ecological Value <i>Intentionally left blank.</i>	
51.	26(1)(l) Security Deposit	
52.	Prior to the commencement of the land-use operation, the Permittee shall deposit with the Minister a security deposit in the amount of \$16,000.00.	SECURITY DEPOSIT
53.	All costs to remediate the area under this Permit are the responsibility of the Permittee.	RESPONSIBILITY FOR REMEDIATION COSTS

54.	26(1)(m) Fuel Storage	
55.	The Permittee shall not place any Fuel Storage Containers or Tanks within 100 metres of the Ordinary High Water Mark of any Watercourse, unless otherwise authorized in writing by an Inspector.	FUEL NEAR WATER
56.	The Permittee shall not allow petroleum products to spread to surrounding lands or Watercourses.	FUEL CONTAINMENT
57.	The Permittee shall have a maximum of zero litres of fuel stored on the land use site at any time, unless otherwise authorized in writing by the Board.	MAXIMUM FUEL ON SITE
58.	The Permittee shall adhere to the Spill Contingency Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations, technology, chemicals, or fuels, or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	SPILL CONTINGENCY PLAN
59.	Prior to commencement of the land-use operation the Permittee shall ensure that spill-response equipment is in place to respond to any potential spills.	SPILL RESPONSE
60.	All equipment that may be parked for two hours or more, shall have a haz-mat/drip tray under it or be sufficiently diapered. Leaky equipment shall be repaired immediately.	DRIP TRAYS
61.	The Permittee shall clean up all leaks, spills, and contaminated material.	CLEAN UP SPILLS
62.	26(1)(n) Methods and Techniques for Debris and Brush Disposal	
63.	Prior to the expiry date of this Permit, the Permittee shall progressively dispose of all brush and trees and shall complete all brush disposal; all disposal shall be completed.	BRUSH DISPOSAL/ TIME
64.	The Permittee shall not clear areas larger than identified in the complete application.	MINIMIZE AREA CLEARED
65.	26(1)(o) Restoration of the Lands	
66.	The Permittee shall dispose of all overburden as instructed by an Inspector.	DISPOSAL OF OVERBURDEN
67.	Prior to the expiry date of this Permit, the Permittee shall complete all cleanup and restoration of the lands used.	FINAL CLEANUP AND RESTORATION
68.	Prior to the expiry date of this Permit, the Permittee shall prepare the site in such a manner as to facilitate natural revegetation.	NATURAL VEGETATION
69.	The Permittee shall carry out progressive reclamation of disturbed areas as soon as it is practical to do so.	PROGRESSIVE RECLAMATION

70.	The Permittee shall restore any trails impacted by the land-use operation by removing fallen trees and any other obstructions from the trails.	TRAILS RESTORATION
71.	26(1)(p) Display of Permits and Permit Numbers	
72.	The Permittee shall keep a copy of this Permit on hand at all times during this land-use operation.	COPY OF PERMIT
73.	26(1)(q) Biological and Physical Protection of the Land	
74.	Prior to the commencement of the land-use operation, the Permittee shall submit a revised Waste Management Plan to the Board for approval.	SUBMIT REVISED PLAN – WASTE
75.	Prior to the commencement of the land-use operation, the Permittee shall submit a revised Spill Contingency Plan to the Board for approval.	SUBMIT REVISED PLAN – SPILL
76.	If any plan is not approved by the Board, the Permittee shall revise the plan according to the Board’s direction and re-submit it to the Board for approval.	RESUBMIT PLAN
77.	The Permittee shall adhere to the Engagement Plan , once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.	ENGAGEMENT PLAN
78.	All revised plans submitted to the Board shall include a brief summary of the changes made to the plan.	SUMMARY OF CHANGES



Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
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Phone (867) 669-0506
FAX (867) 873-6610

Reasons for Decision

Issued pursuant to paragraph 40(2)(c) of the Mackenzie Valley Land Use Regulations (MVLUR)

Land Use Permit Application	
Reference/File Number	MV2019T0021
Applicant	Canadian Zinc Corporation
Project	Staging area to support All Season Road Project North side of the Liard River, NT
Date of Decision	August 29, 2019

These Reasons for Decision set out the Mackenzie Valley Land and Water Board’s (the Board or MVLWB) decision on an Application made by Canadian Zinc Corporation (CZN, or the Applicant) to the Board on July 12, 2019 for Land Use Permit (Permit) MV2019T0021.

1.0 Application

On July 12, 2019, CZN applied for a new Permit to barge equipment and materials across the Liard River, and to stage them on the north side of the river at the barge landing, in preparation for the eventual construction of the All Season Road (ASR) Project. They propose to start in early September, prior to freeze-up, and store the equipment and materials for approximately two months. The staging area will be approximately 20 x 40 m, located in a minimally vegetated area approximately 60-100 m from shore, and will straddle the proposed ASR alignment. The barge landing area connects to the staging area via an existing ATV trail. As such, hand-brushing and clearing is proposed; slashed vegetation will be laid on the ground to protect the route. Disturbance to overburden is proposed to be minimal and rig mats will be used to protect the shore. No camp is proposed to be set up and no fuel is proposed to be stored. No garbage or sewage is proposed to be produced. CZN has applied for a term of five years.

Equipment proposed to be stored includes the following: an excavator, a dozer, a crew carrier; one 22 ton skidder; a skid steer; a service truck; four x 1,000 L double walled fuel tanks (empty); two camp trailers (for storage, not use); a portable generator; a 60’ section of bridge decking; rig matting; a Porta Potti; and some steel pipe. Once the proceedings for the ASR are complete, CZN intends to use these staged materials to pioneer the ASR in advance of a larger winter construction crew in late 2020.

A Waste Management Plan and Spill Contingency Plan were included with the Application.

CZN provided the overview materials they used for engagement and provided pre-submission engagement logs with each of the following parties: Naha Dehe Dene Band (NDDDB); Liidlii Kue First Nation (LKFN); Acho Dene Koe First Nation (ADKFN); Sambaa K’e First Nation (SKFN); Tthets’ehk’edeli First Nation (TFN); Fort Simpson Métis Nation; Pehdzeh Ki First Nation (PKFN); and Dehcho First Nations (DFN).

CZN included Letters of Support specific to this Application from NDDDB (July 8, 2019), LKFN (July 12, 2019), ADKFN (July 8, 2019); and SKFN (July 10, 2019). The Engagement Log indicates TFN would send a Letter of Support; however, it is not attached to the Application package. The Engagement Record indicates CZN made several attempts to reach the Fort Simpson Métis Nation; a Letter of Support dated March 14, 2018 was attached to the Application.

2.0 Public Review

By August 7, 2019, comments and recommendations on the Application were received from six reviewers:

- Environment and Climate Change Canada (no comments);
- Government of the Northwest Territories – Education, Culture, and Employment (GNWT-ECE);
- GNWT – Environment and Natural Resources – Environment Assessment and Monitoring (GNWT-ENR);
- GNWT-Lands (Inspector, Dehcho Region);
- GNWT-Lands – Project Assessment Branch; and
- GNWT-Lands – Land Use Advisor.

By August 14, 2019, CZN provided short responses to some of the public review concerns.

3.0 Security

CZN did not provide a security calculation in their Application. GNWT-Lands recommend security be applied during the public review but did not provide an amount.

4.0 Decision

In rendering its decision, the Board is satisfied that:

- notice of the Application was given in accordance with sections 63 and 64 of the MVRMA. The Board is satisfied that a reasonable period of notice was given to communities and First Nations so comments could be provided to the Board;
- any potential adverse environmental effects are insignificant or mitigable with known technology; and,
- there is no likelihood that the proposed development might be a cause of public concern.

After reviewing the evidence and submissions of the Applicant, the written comments and submissions received by the Board and the Staff Report prepared for the Board, the Board, having due regard to the facts, circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and Regulations made thereunder, has determined that Land Use Permit MV2019T0021 be issued subject to the term, scope, definitions, and conditions contained therein. The Board's determinations and reasons for this decision are set out below.

- The Board is satisfied that appropriate consultation has been conducted and that advice has been sought and considered, in accordance with sections 63 and 64 of the MVRMA.
- The use of land proposed by the Applicant is of a nature contemplated by the MVRMA.
- The operation will likely contribute to the socio-economic well-being and economic development of the region.
- The Board has reviewed the information contained in the August 23, 2019 Staff Report regarding environmental impacts and/or public concerns.
- The scope of the Permit ensures the Applicant is entitled to conduct activities which have been applied for. In setting the scope, the Board endeavored to provide enough detail to identify and describe the

authorized activities without being unduly restrictive or prescriptive, and to allow for project flexibility throughout the life of the Permit.

- The conditions set forth in the Permit have been imposed to address the Board's statutory responsibilities and ensure the land-use operation is conducted in a manner which ensures impacts to surrounding lands and waters are minimized.
- The Board has approved the Engagement Plan because it meets the Board's *Engagement Guidelines for Applicants and Holders of Water Licences and Land Use Permits* and sufficiently reflects the scope of the proposed activities.
- The Waste Management Plan cannot be approved at this time and should be revised and re-submitted (Version 2) prior to the commencement of activities to reflect updates and commitments identified during the public review, to reflect the scope of the proposed activities, to meet the applicable guidelines, and to include the following:
 - As personnel will be on site during mobilization and demobilization activities, the Plan should be revised to reflect the potential for on-site waste management and off-site waste disposal, including domestic sewage (Reviewer Comment Table: GNWT-ENR 1; GNWT-Lands - Dehcho Region-2, GNWT-Land Use Advisor 10 and 11).
 - Attach the appropriate notification to fulfill Condition 42 (OFF-SITE DISPOSAL) or describe a plan to obtain it (GNWT-ENR 1, 19).
 - Include contact information for mine site personnel as these individuals are closest in proximity to the staging area (GNWT-Lands – Land Use Advisor 6).
 - As the Permit scope allows for the use of equipment, there is the potential to have spills, wastes from remediating these spills. Include connections to the Spill Contingency Plan in the Waste Management Plan, Version 2.
 - The revised Plan (Version 2) will be considered to be approved upon written confirmation of conformity from Board staff (condition 74).
- The Spill Contingency Plan cannot be approved at this time and should be revised and re-submitted (Version 2) prior to the commencement of activities to reflect updates and commitments identified during the public review, to reflect the scope of the proposed activities, to meet the applicable guidelines, and to include the following:
 - Review and revise the entirety of the Plan to apply specifically to the activities associated with the staging of equipment and materials, instead of the mine site. Two examples include section 4.1 and section 5.2, which references bulk fuel spill response.
 - Revise the Plan to specifically identify the proposed location(s) of spills kits at the staging area. (GNWT-ENR 5, 6, 8, 9).
 - Provide an explanation of the measures and operational procedures planned for safeguarding the equipment and materials when activities on-site are not under way (GNWT-Lands – Land Use Advisor).
 - Include contact information for mine site personnel as these individuals are closest in proximity to the staging area (GNWT-Lands – Land Use Advisor 3).
 - As mobilization and demobilization of equipment will involve its use, which is provided for in the Permit's scope, there is a potential for spills. Include more specific details about plans to inform and train personnel in spill contingency practices (GNWT-Lands – Land Use Advisor 4).
 - The revised Plan (Version 2) will be considered to be approved upon written confirmation of conformity from Board staff (condition 75).

- The definitions and conditions in the Permit are from the MVLWB's *Standard Land Use Permit Conditions Template* (Standard Template), and are not discussed in detail in these reasons unless notable due to recommendations or concerns raised by reviewers. After considering the information gathered through the public review, the Board made the following changes, with rationale, to the conditions:

Condition	Change	Rationale
Private Property	Distance recommended	Distances of 300 metres were recommended by GNWT-Lands (comment ID 5). No other evidence was provided or concerns noted.
Avoid Cabins		
Off-site disposal	Non-standard condition added	This condition was added to reflect review comments regarding the potential to produce wastes through mobilizing and demobilizing equipment and materials from the staging area (GNWT-ENR comment IDs 1-9; 17-19; Inspector, Dehcho Region - comment ID 1-4; Land Use Advisor - comment ID 3-6, 10-11). The Applicant's brief responses to reviewer comments are sparse, largely inadequate, and demonstrate its focus is directed to the staging aspects of the proposed activities rather than the operational activities included in physically mobilizing and demobilizing the equipment and materials from the staging area.
Archaeological Overview	Removed	GNWT-ECE (comment ID 1) recommended removal of these two conditions because they do not require any additional archaeological studies of the staging area.
AIA- High Potential		
Security Deposit		CZN did not submit an estimate. GNWT-Lands (Darren Campbell) did not provide an amount, but recommended, "The LWB include a condition in the permit requiring a security deposit, with the amount to be based on the information provided in the application and accompanying materials". The Board used their reclamation security worksheet to calculate a security deposit of \$16,000.00 (condition 52).

5.0 Conclusion

Land Use Permit MV2019T0021 contains provisions that the Board deems necessary to ensure and monitor compliance with the MVRMA and the Regulations made thereunder, and to provide appropriate safeguards in respect of Canadian Zinc Corporation's use of the land affected by the Permit.

SIGNATURE

Mackenzie Valley Land and Water Board

Mavis Cli-Michaud, Chair

August 29, 2019

Date