

Ministre des
Relations Couronne-Autochtones



Minister of
Crown-Indigenous Relations

Ottawa, Canada K1A 0H4

OCT 03 2018

Ms. JoAnne Deneron
Chairperson
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre, PO Box 938, 5102 50th Avenue
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jdeneron@reviewboard.ca

Dear Ms. Deneron:

On behalf of the responsible ministers under the *Mackenzie Valley Resource Management Act* (the Act), I am writing to convey our final decision on the recommendation contained in the Mackenzie Valley Environmental Impact Review Board's (Review Board) September 12, 2017, Report of Environmental Assessment and Reasons for Decision (the Report). For certainty, the responsible ministers for this decision are the federal ministers of Fisheries, Oceans and the Canadian Coast Guard; Natural Resources; the Parks Canada Agency; as well as the Government of the Northwest Territories ministers of Environment and Natural Resources, Infrastructure, Lands, and Education, Culture and Employment, all with jurisdiction in relation to the Prairie Creek All Season Road Project (the Project).

In the Report, the Review Board recommended pursuant to sub-paragraph 128(1)(b)(ii) of the Act, that the Project be approved subject to the implementation of the measures and Canadian Zinc's (the developer) commitments as recorded in the Report. These measures and commitments are to mitigate likely significant adverse environmental impacts and to address public concern.

Pursuant to sub-paragraph 130(1)(b)(i) of the Act, the responsible ministers have agreed to adopt the recommendation of the Review Board. The responsible ministers' final decision was made after a careful consideration of:

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- the September 12, 2017 Report of Environmental Assessment for the Project;
- the letters from the Nahʔą Dehé Dene Band to the Northern Projects Management Office and the Minister of Crown–Indigenous Relations and Northern Affairs dated October 5, 2017, December 7, 2017, June 7, 2018, and June 11, 2018;
- the letters from the Łíídlıı Kúę First Nation to the Northern Projects Management Office dated October 20, 2017, December 27, 2017, March 1, 2018, March 6, 2018, March 14, 2018, to Canadian Zinc dated April 6, 2018, and to the Minister of Crown–Indigenous Relations and Northern Affairs dated June 7, 2018, June 11, 2018, and June 14, 2018;
- the letters from the Dehcho First Nations to the Northern Projects Management Office dated October 20, 2017, and July 4, 2018;
- an email dated October 11, 2017, from the Kátł'odeeche First Nation to the Government of the Northwest Territories;
- the October 13, 2017, letter from the Canadian Northern Economic Development Agency to the Review Board requesting interpretive clarification of intent regarding Measure 5-1;
- the October 17, 2017, letter from the Review Board to the Canadian Northern Economic Development Agency providing clarification of intent for Measure 5-1;
- the October 23, 2017, letter from the Review Board to the Minister of Crown–Indigenous Relations and Northern Affairs regarding clerical rectifications for the Report;
- the October, 27, 2017, letter from the Government of the Northwest Territories to Canadian Zinc regarding the invocation of subsection 95(1) of the *Wildlife Act* (Northwest Territories) by the Minister of Environment and Natural Resources in regard to the Project;
- the letter from the Acho Dene Koe First Nation to the Northern Projects Management Office dated November 7, 2018; and
- Canadian Zinc's letters dated November 7, 2017, November 21, 2017, and the Information Request response (including five attached documents) to the Northern Projects Management Office dated June 8, 2018.

I also wish to stress that my decision, as well as that of the responsible ministers, has a basis in an understanding of the project-specific and cumulative-effects assessments of the all-season road alignment as the Review Board scoped the Project on pages 5 and 6 of their Report.

The responsible ministers and I have taken into account the concerns and views expressed in the correspondence noted above, including Canadian Zinc's response to the responsible ministers' Information Request stating that they are negotiating an Environmental Management Agreement to address the concerns of the Indigenous

governments and organizations. Further, the issues raised by the Indigenous governments and organizations will be accommodated, as appropriate, through the implementation of the measures, Canadian Zinc's commitments, and the proposed Environmental Management Agreement. Regarding the Information Request responses, I note that in the post-environmental assessment processes, the responsible ministers of the departments and agencies will further review the implementation plans provided in the responses and will seek further details as needed.

The responsible ministers and I believe that all issues raised relating to potential adverse impacts from the proposed Project on asserted or established Indigenous and/or treaty rights have been meaningfully and completely consulted on. As such, we have concluded our engagement and consultation process with potentially affected Indigenous governments and organizations on this environmental assessment.

We do note, however, that consultation with respect to Indigenous and/or treaty rights, as it relates to the Project, does not end with the decision to adopt the Review Board's recommendation. The implementation of the measures and commitments will be further discussed in detail during the Mackenzie Valley Land and Water Board's and Parks Canada's land use permitting and water licensing processes, as well as in other post-environmental assessment processes. These post-environmental assessment processes for the Project provide further opportunities for Indigenous governments and organizations to provide input to ensure that potential adverse impacts to Indigenous and/or treaty rights from the Project are addressed. Concurrent with this decision, the Northern Projects Management Office, jointly with the Government of the Northwest Territories' Department of Lands, on behalf of the responsible ministers, will send letters to the Indigenous governments and organizations providing responses to the above listed correspondence and encouraging them to participate in the regulatory processes that follow the adoption of the Review Board's recommendation.

The responsible ministers and I would like to thank the Review Board and its staff for efficiently and effectively discharging its duties under the Act and for its thorough assessment of this Project.

Sincerely,



Hon. Carolyn Bennett, M.D., P.C., M.P.

c.c.: The Honourable Dominic LeBlanc, P.C., M.P.
The Honourable Catherine McKenna, P.C., M.P.
The Honourable Amarjeet Sohi, P.C., M.P.
The Honourable Jonathan Wilkinson, P.C., M.P.
The Honourable Robert C. McLeod, M.L.A.
The Honourable Louis Sebert, M.L.A.
The Honourable Caroline Cochrane, M.L.A.
The Honourable Wally Schumann, M.L.A.
Dr. Joe Dragon
Mr. Willard Hagen
Ms. Sylvia Haener
Mr. Paul Guy
Mr. Gary Bohnet
Mr. Mike Aumond
Grand Chief Gladys Norwegian
Chief Peter Marcellais
Chief Gerald Antoine
Chief Gene Hope
Mr. Jonah Mitchell
Mr. Adrian Paradis
Mr. Mark Cliffe-Phillips
Ms. Shelagh Montgomery