



Environment & Conservation  
P.O. Box 1523  
Yellowknife, NT, X1A 2R3

January 26, 2001

Mackenzie Valley Environmental Impact  
Review Board  
P.O. Box 938  
Yellowknife, NT, X1A 2N7

Attention: Louie Azzolini:

**RE: Information request - Information Request: Canadian Zinc Corporation**  
YEL-N 7392-7-A2-5

This refers to the MVEIRB information request to determine the land tenure status at the Canadian Zinc Corporation mine site.

The information request was made to:

- 1) determine DIAND's policy with respect to the position of the Deh Cho First Nations' regarding the protection of the Nahanni National Park Reserve watershed, and
- 2) ascertain: the status of the existing fuel caches.

A partial answer to item #1 is contained in Attachment 1. With regard to this item, please note that our contact on this file is currently traveling and unavailable until next week. As the information is requested by January 26, 2001, and so as not to cause any undue delay to your operations, we are enclosing Attachment 1 at this time and will followup shortly if any new information becomes available.

The current status of item #2 is found in the package of the information attached.

We trust that this is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Ranjit Soniassy".

Ranjit Soniassy

Encl.

## **ATTACHMENT #1**

### **Information on DIAND's policy with respect to the position of the Deh Cho First Nations' regarding the protection of the Nahanni National Park Reserve watershed.**

The watershed has been impacted to some extent from previous developments in the area but these impacts have largely been mitigated. It is DIAND's opinion that while there has been an increase in seismic and oil and gas activity in the area in recent years, the integrity of the water resources of the South Nahanni watershed have been maintained.

For an understanding of the existing state of the environment and integrity of the water resources of the South Nahanni River watershed please refer to the reports prepared by Environment Canada: *Protecting the Waters of Nahanni National Park Reserve, NWT, 1992* and *Protecting the Aquatic Quality of Nahanni National Park Reserve, 1998*. Both reports were supplied to Gordon Stewart (MVEIRB) by Paula Pacholek of DOE.

All water quality monitoring stations and baseline water quality data is available within the two reports. Some of this data dates back to 1961.

DIAND is of the opinion that the potential for cumulative effects from this development is low given the implementation of standard permit conditions. It is DIAND's contention that standard terms and conditions of land use permits will provide adequate mitigation of potential impacts, resulting in no significant effects to the water resources encountered; thereby reducing the potential for cumulative effects on aquatic resources from the operations.

#### **Deh Cho Land Claim Process and implications**

The Sahtu Land Use Planning Board should be contacted for questions related to any area of the South Nahanni watershed that may be included in the Sahtu planning region.

An indication of the status of the Deh Cho First Nations Interim Measures Agreement, the Deh Cho First Nations Framework Agreement and any other agreements, and how these agreements affect, or may affect this development

The parties have a tentative agreement on a framework agreement.

The parties have substantial agreement on an interim measures agreement (IMA). The IMA includes the following subjects : land use planning; surface\sub-surface and sub-surface only land withdrawals; DCFN participation in the MVLWB and the EIRB; consultation measures; Commissioner's lands; mineral development; oil and gas activity; Forest management; Nahanni National Park reserve; Great Slave Lake Fishery; and funding arrangements.

The project is not affected by these negotiations directly, as there are no agreements flowing from the negotiations. However, both the Deh Cho First Nations and Parks Canada have identified interest in withdrawing lands in the South Nahanni River watershed in order to make informed decisions in future negotiations (ie., future ownership of the area, potential protected areas, including expansion of the existing park).

One of the two outstanding items in the interim measures agreement is the restriction of land use permits on withdrawn lands. At this point Canada has not agreed to this request from DCFN. The specific land use activity the DCFN wants restricted on withdrawn lands is seismic on spec. for oil and gas exploration. Again, Canada has not agreed to this condition.

An indication of any protection measures (e.g. land freezes) currently in place, or proposed to be in place to protect areas of interest to parties, and how these measures affect, or may affect this development.

The following wording is from the latest draft of the IMA.

#### Land Withdrawal

12. Upon signing this Agreement, Canada and the Deh Cho First Nations will negotiate for the purpose of identifying lands to be withdrawn from disposal and mineral staking under the *Territorial Lands Act* and may use the following criteria for this purpose:
  - (a) lands harvested for food and medicinal purposes;
  - (b) culturally and spiritually significant areas;
  - (c) lands which are ecologically sensitive; and
  - (d) watershed protection.
13. Canada will withdraw from disposal, under the *Territorial Lands Act*, the lands identified in accordance with the process set out in 12.
14. With the agreement of Canada and the Deh Cho First Nations, additional lands may be withdrawn from disposal, and/or modifications made to the land withdrawals under 12, at another time, including following completion of the land use plan.
15. Lands identified under 12 to 14 may be subject to surface\sub-surface withdrawals while others may be subject to sub-surface withdrawals only.
16. The identification of lands for withdrawal shall take into account land use information compiled by the Deh Cho First Nations and the Planning Committee.
17. The identification of lands for withdrawal shall take into account potential overlap discussions between the Deh Cho First Nations and other Aboriginal people in the Northwest Territories.
18. Canada and the Deh Cho First Nations shall identify the land to be withdrawn on National Topographic Series map sheets. When the identification of the land has been agreed upon, Canada and the Deh Cho First Nations shall sign the maps to confirm that the land described is the land to be withdrawn.
19. Land withdrawn from disposal under this Agreement shall be subject to the continuing exercise of existing rights, titles, interests, entitlements, licences, permits, authorizations, reservations, reservations by notation, benefits and privileges.

20. (a) New permits may be issued on the withdrawn land under the *Territorial Quarrying Regulations* only:
- (i) for sources of material which had been opened prior to the dates of the withdrawal orders; or
  - (ii) for new sources of material required for essential community construction purposes; or
  - (iii) with the consent of the Deh Cho First Nations; or
  - (iv) in cases where, in the opinion of the Minister of DIAND, no alternative source of supply is reasonably available in the surrounding area and after consultation with the Deh Cho First Nations.
- (b) No new leases may be issued on the withdrawn land under the *Territorial Quarrying Regulations*.
21. Any new permits or leases issued pursuant to 20 shall not thereafter be considered new permits or new leases for the purpose of 20.
22. The withdrawal of land under this Agreement shall not be interpreted as meaning that such land is identified for any specific purpose other than the purpose set out in the Order in Council.
23. The provisions of this Agreement shall not affect access to or across withdrawn land.
24. Canada will not revoke the Order in Council for the purpose of amending the schedules thereto or for any other purpose without prior consultation with the Deh Cho First Nations.

There is no way of knowing how this project will affect any future discussions with DCFN, until the parties have completed the IMA and addressed the land withdrawal/restriction of seismic activity issue.

DIAND is aware that Parks Canada is interested in expanding NNPR. However, it is understood by the federal government, as a whole, that any park expansion would be concluded under the Deh Cho process.

### **Deh Cho Land Claim Process and implications**

The Sahtu Land Use Planning Board should be contacted for questions related to any area of the South Nahanni watershed that may be included in the Sahtu planning region.

As indicated by the note of confirmation on the Review Board's public registry, the line in question does not reach the proposed area of expansion for the Park.

The information below are the responses to the questions posed in the IR (*italics*):

***An indication of the status of the Deh Cho First Nations Interim Measures Agreement, the Deh Cho First Nations Framework Agreement and any other agreements, and how these agreements affect, or may affect this development***

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One of the two outstanding items in the interim measures agreement is the restriction of land use permits on withdrawn lands. At this point Canada has not agreed to this request from DCFN. The specific land use activity the DCFN wants restricted on withdrawn lands is seismic on spec. for oil and gas exploration. Again, Canada has not agreed to this condition.

***b) An indication of any protection measures (e.g. land freezes) currently in place, or proposed to be in place to protect areas of interest to parties, and how these measures affect, or may affect this development.***

The following wording is from the latest draft of the IMA.

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There is no way of knowing how this project will affect any future discussions with DCFN, until the parties have completed the IMA and addressed the land withdrawal/restriction of seismic activity issue.

***An indication that if expansion of NNPR is going to occur, one way or the other, what the implications to this development proposal are:***

DIAND is aware that Parks Canada is interested in expanding NNPR. However, it is understood by the federal government, as a whole, that any park expansion would be concluded under the Deh Cho process.