



# DEH CHO FIRST NATIONS

BOX 89, FORT SIMPSON, N.W.T. X0E 0N0  
TEL: (867) 695-2355 FAX: (867) 695-2038



## Dehcho First Nations and Nahanni Butte Dene Band

Presentation for the Public Hearing on

Canadian Zinc Corporation: Phase III Drilling Program (EA 0405-002)

October 6, 2005: Fort Simpson, NT

---

### Introduction

This presentation is made on behalf of the Dehcho First Nations and the Nahanni Butte Dene Band. The Dehcho First Nations and the Nahanni Butte Dene Band are participants in this environmental assessment as directly affected First Nations. The proposed development is located entirely within the Dehcho territory, and within the traditional territory of the Nahanni Butte Dene Band, who are a directly affected First Nation.

The Dehcho First Nations and the Nahanni Butte Dene Band do not support the proposed Drilling Program, nor the Prairie Creek mine project as a whole. The Dehcho First Nations and the Nahanni Butte Dene Band seek to achieve the permanent protection of the entire South Nahanni Watershed, and are concerned that the Prairie Creek project will result in significant adverse environmental harm to the lands, waters, fish and wildlife of the Watershed. Environmental harm may, in turn, result in permanent, significant impacts to the socio-cultural, economic, and environmental circumstances of the affected First Nations.

Our concerns include immediate and long-term environmental impacts, including the potential cumulative effects that this project may have in the South Nahanni Watershed. These concerns include the impacts of an expanded road network, exploration in previously remote and relatively undisturbed locations, repetitive disturbance to fish and wildlife, and the potential for further mineral exploration and industrial development in the area.

This Public Hearing presentation addresses outstanding issues in the environmental assessment of the proposed Phase III Drilling Program.

### **Context**

The Leadership of the Dehcho First Nations and the Nahanni Butte Dene Band have demonstrated their long-term objective to protect the South Nahanni Watershed through unanimous Leadership Resolutions. Further action towards protecting the Watershed have been initiated through the Nahanni National Park Expansion process, and the Dehcho Land Use Planning process.

### **Socio-economic Issues**

The DFN and the Nahanni Butte Dene Band want to clarify issues raised during the Environmental Assessment concerning socio-economic benefits, jobs, and job training.

The DFN recognize that some projects which Leadership may not support, may be granted permits and licenses anyway, and that opportunities in training and employment may be available for DFN members. The DFN is of the position that all projects which are undertaken in the Dehcho Territory should include training and employment for Dehcho members.

However, individual participation in training and employment opportunities is an individual decision, and does not, in whole, or in part, alter nor negate the direction set out in the Resolutions of the DFN Leadership. The numerous Resolutions of support for protection of the South Nahanni Watershed are based on unanimous direction from every Dehcho First Nation Chief and Metis President.

### **Environmental Issues**

The use and maintenance of the existing road network, along with the construction and utilization of new roads is a significant concern. In general, road construction and use may result in increased erosion of steep slopes and stream banks, and lead to increased sediment load in waterways. Construction and vehicle traffic will also pose disturbances to wildlife and fish, and could pose environmental hazards in remote areas, through accidents or spills.

New road construction will also further fragment the ecosystem, and may lead to further surface and subsurface development in previously undisturbed areas of the Watershed.

Outstanding issues related to the Road Network are summarized below:

### **Road Construction and Maintenance**

In the Terms of Reference (C: Project Response to Environmental Sensitivity) and Information Requests (IR 002-3), CZN was asked to specifically list mitigation measures that will be utilized for different types of scenarios (ie. steep terrain, erosion, wildlife, etc...).

CZN's response to the IR's, and subsequent follow-up response were very general, for example:

**Use of the Environmental Excellence in Exploration (E3) Guidelines**

*Appendix A of the DAR contains a partial copy of the E3 guidelines for drilling. This was included to illustrate how CZN will use the manual to help control erosion and minimize disturbance from any new road construction and road use (read from page 14 onwards). Design guidelines will be studied and applied for road construction (read from page 21 on). For new and existing roads, an important consideration will be runoff control to limit sediment dispersion. CZN will build or retro-fit drainage control structures, such as table and cross drains and drainage mounds (pages 30-33). (CZN, Response to PHC)*

In our opinion, CZN's previous IR response, and the above summary of "Guidelines" does not detail exactly how CZN will conduct and mitigate the Drilling Program.

In our opinion, this request is still outstanding.

**Road Network: Reclamation**

DFN and Nahanni Butte seek clarification on exactly who is responsible for reclamation of the existing road network, and the status of all permits which pertain to the existing road network.

INAC: Please clarify all sections of the road network in which reclamation is the responsibility of INAC? Please clarify the permit # and permit status (open/closed) of these sections.

CZN: Please clarify all sections of the road network in which reclamation is the responsibility of CZN? Please clarify the permit # and permit status (open/closed) of these sections.

**Road Network: Aquatic Resources and Habitat**

One of our major concerns is adverse impacts to fish, fish habitat, streambanks, and water quality. The construction of new tote roads, along with the use and maintenance of existing tote roads may result in erosion, siltation of waterways, degradation to fish habitat and fish, and increased sediment and pollution in waters.

1. DFO states that "Casket Creek, up to the proposed drill area, is likely fish habitat." Therefore, DFO has recommended that the Developer not utilize nor conduct maintenance on the Casket Creek road network.

***Request:***

Given DFO's recommendation that this road network not be utilized nor maintained, we recommend that the Review Board prohibit any further use or maintenance of the Casket Creek road network.

We recommend that the Review Board include specific mitigation measures to reclaim the Casket Creek road network.

2. DFO states that “to prevent a potential HADD of fish habitat in Big Quartz Creek, the developer should not maintain or use the Big Quartz Creek Road. If the developer plans to conduct exploration drilling in Zones 10, 11, and 12, these areas should be heli-drilled.”

***Request***

We recommend that the Review Board prohibit any further use or maintenance of the Big Quartz Creek road.

We recommend that the Review Board include specific mitigation measures to reclaim the Big Quartz Creek road.

3. The proximity of the proposed drilling site to Casket Creek, and whether the proposed drilling activity may affect fish and fish habitat, is still unclear.

***Request:***

Please clarify the exact proximity of the drilling sites to Casket Creek.

Please clarify whether a Fisheries Authorization is required to drill in the vicinity of Casket Creek.

4. DFO notes that “appropriate mitigation” measures will be necessary on the Prairie Creek crossing.

***Request:***

We request that CZN describe specific mitigation measures that will be employed at the Prairie Creek crossing, to avoid or minimize adverse environmental impacts.

5. In response to a request about further studies on Bull Trout, CZN states: “The consequence of identification of the presence of Bull trout would be an increased focus on limiting erosion and controlling sediment. CZN has already adopted this increased focus.”

DFN has previously recommended further studies to determine the presence, absence, utilization, and the habitat and life cycle requirements of Bull Trout.

However, our understanding is that the Review Board will not require further studies on Bull Trout, but instead will incorporate mitigative measures that assume Bull Trout are present in all waterways with suitable Bull Trout habitat.

***Request:***

We seek clarification from the Review Board that mitigation measures will assume the presence of Bull Trout.

### **Project Response to Sensitivities**

In our opinion, project response to sensitivity includes the ability to apply adaptive strategies to respond to a wide range of planned and unplanned events and environmental issues, including erosion, siltation of waterways, and disturbance of wildlife. In addition for our request for CZN to list mitigation measures, rather than summarize industry guidelines, we also have the following concern:

The Review Board specifically requested assurance from CZN that a qualified person will be available on site during the program to recommend mitigation measures.

#### ***Developer's Conclusion:***

"CZN does not consider it necessary to retain the individual on site during the project."

#### ***Our Conclusion/Rationale/Evidence:***

The above statement raises concerns with regards to CZN's willingness to follow the direction of the Review Board, and CZN's ability to effectively analyse adverse environmental impacts and apply appropriate mitigation measures during the operations of the proposed drilling program. Qualified personnel must be available on site, in order to effectively visualize, assess, analyse, respond, and mitigate a variety of scenarios, as they arise. Despite recent assurances from CZN, DFN still fail to see how this can be accomplished in a pre-project survey, or by telephone.

#### ***Outstanding Request:***

DFN recommend that the Review Board re-issue this Information Request to CZN, and failing a sufficient response, impose a condition on the project which requires qualified, on-site personnel to recommend specific, adaptive mitigation measures during program operations.

### **Reclamation and Monitoring**

To date, the information provided by CZN (including the PHC comments) does not answer the Review Board's requests in the Terms of Reference, or the Information Requests.

1. Information Request #09 and #10 pertained to reclamation and re-vegetation.

#### ***Developer's Conclusion:***

In response to the above Information Requests, CZN noted, in part:

...it is premature to investigate the nature and availability of a seed mix for reclamation at this stage, since this would be an outcome of the proposed survey.  
..CZN does not believe this issue is fundamental to the assessment of environmental impacts... CZN believes that it would be more logical to

address the requirements for this process at the permit drafting stage.

***Request***

We find CZN's response to these legitimate Information Requests to be inadequate.

Therefore, we urge the Board to re-issue this request in its entirety.

2. Information Request #13 specifically requested CZN to "provide more detail on the short and long-term monitoring strategy that will be put in place to address reclamation and re-vegetation of the project footprint, including adaptive strategies to deal with potential difficulties that may be encountered."

***Developer's Conclusion:***

CZN does not address the entire project footprint at all, and only provides a brief discussion of re-vegetation.

***Our Conclusion/Rationale/Evidence:***

CZN's response is generally inadequate. No specific reclamation measures are provided for the project footprint. No adaptive strategies are provided. There is simply a lack of clear, concise information with which to assess the adequacy of a short and long-term monitoring strategy, and associated reclamation and re-vegetation.

***Request:***

We request that the Review Board re-issue Information Request #13 to CZN.

**Cumulative Effects**

We disagree with CZN's determination on Cumulative Effects.

Cumulative Effects are defined as "changes to the biophysical, social, economic, and cultural environments caused by the combination of past, present and "reasonably foreseeable" future actions."

Cumulative Effects pertaining to the Drilling Program could occur in numerous ways, including, but not limited to:

Increased fragmentation of the ecosystem (and subsequent effects on wildlife, vegetation, waters, fish) from the construction, use and maintenance of existing and new road networks (loss of wildlife habitat; edge effect; changes to predator/prey dynamics; ease of access to remote areas; noise);

Repetitive disturbance to wildlife from helicopter flights, road construction, road traffic, drilling operations, human presence in previously undisturbed, or rarely disturbed areas.

Cumulative Effects may also occur in tandem with other past and current CZN operations.

Cumulative Effects may also pertain to the Drilling Program, as this program may lead to further “reasonably foreseeable” surface and subsurface industrial development in the South Nahanni Watershed, particularly if CZN’s results show favourable mineral deposits.

In developing appropriate mitigation measures pertaining to wildlife and water ways, we refer the Board to the following documents from the Dehcho Land Use Planning Committee’s Draft Land Use Plan, available at [www.dehcholands.org/docs\\_draft\\_plan\\_2005.htm](http://www.dehcholands.org/docs_draft_plan_2005.htm).

DFN finds that the critical indicators and thresholds are particularly relevant for the stream crossings and road network density of the drilling program.

The information under critical life cycle periods is also relevant to wildlife disturbance from noise, vehicle traffic, construction, drilling, and helicopters.

- ◆ Appendix 1: Summary of Conformity Requirements, Actions, and Recommendations.
- ◆ Table 10: Cumulative Effects Indicators and Thresholds.
- ◆ Table 11: Critical Life Cycle Periods.