



# DEH CHO FIRST NATIONS

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**Re: EA 0405-002 Public Hearing CZN Phase III Drilling Program**

Please accept the following submission from the Dehcho First Nations and the Nahanni Butte Dene Band for the above Environmental Assessment.

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 entirely within the Dehcho traditional territory, and we are concerned that this project may pose both short-term and long-term significant adverse environmental impacts to First Nations' lands and waters.

In summary, despite the additional submissions from the developer, we are still concerned with the immediate and the potential cumulative effects that this project may have, particularly with regards to the use, maintenance, and expansion of the road network, the effects of exploration and industrial activity in previously remote areas, the disturbance to waterways, fish and wildlife, and the potential for future mineral exploration and industrial development in the South Nahanni Watershed.

Our previous submissions to this environmental assessment, including the Information Requests, Prehearing Conference submission and the Public Hearing submission outlined our major concerns, and detailed specific areas where we find that there are still outstanding data deficiencies. In our opinion, the majority of these outstanding information deficiencies still remain, and we are of the opinion that the developer has not provided the Review Board and reviewers with adequate detailed information. Data deficiencies are particularly evident in regards to Project Response to Sensitivities (most notably water quality, road network, and wildlife), Reclamation and Monitoring (most notably the road network and revegetation), and Cumulative Effects (the identification of Indicators and Thresholds).

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During the Public Hearing, numerous references were made by various Parties to CZN having committed to various mitigation measures and additional studies, or plans. We also note that numerous government departments (notably EC, DFO, and ENR) have recommended specific mitigation measures that they find necessary to mitigate adverse impacts. DFN and NBDB recommend that where CZN commitments and EA party Recommendations have been noted, or deemed necessary, the Board explicitly list and number these measures as clear, concise Recommendations in the Report of Environmental Assessment.

Based on our past experience in Environmental Assessments, we are of the view that it is insufficient to incorporate a general Recommendation, such as “the developer shall comply with all commitments made during the Environmental Assessment.” Not only is a general Recommendation such as this easily misinterpreted in the Regulatory stage, but the commitments to which they refer are difficult to trace, monitor, and enforce, in the stages following the Environmental Assessment.

For example, based on the recommendation of DFO, CZN has committed to not use, nor conduct maintenance, on the Casket Creek road network and the Big Quartz Creek road network.

Similarly, CZN has agreed to comply with the recommendations in “Flying in Sheep Country”.

For clarity, we recommend that these, and all other, reviewer recommendations and CZN commitments are explicitly listed and numbered as Recommendations. For example:

1. CZN shall not utilize, nor conduct maintenance on, the Casket Creek Road network;
2. CZN shall not utilize, nor conduct maintenance on, the Big Quartz Creek Road network;
3. In accordance with the report, “Flying in Sheep Country”, CZN shall maintain a helicopter altitude of (e.g. 650m);
4. CZN shall not conduct helicopter flights during the sheep pre-rut and lambing periods;
5. To minimize effects on wildlife, only 1 drilling location may be in operation at a time; etc....

#### Outstanding Information:

We have noted the following deficiencies in previous submissions, and find that they are still lacking, following the Public Hearing. Most of the data deficiencies pertain to a lack of specific and detailed mitigation measures, adaptive strategies, reclamation plans, and monitoring. In our view, the Review Board should re-issue the requests for the following information.

**IR002-03:** CZN has not provided detailed mitigation measures that will be utilized for different types of scenarios (steep terrain, erosion, wildlife, water sedimentation, etc...). We have previously requested that the Review Board re-issue this Information Request, which has been outstanding since the first round of Information Requests.

**IR002-09, 002-10, 002-13:** CZN has still not detailed a comprehensive plan for reclamation and monitoring.

CZN's responses to the above IR's have either been:

1. Very general (e.g. Industry guideline summaries), or
2. Deferred (to after the proposed Spring 2006 Survey).

**Terms of Reference:** In our view, the information requested in the Terms of Reference has also still not been adequately addressed by the developer. In particular, the information submitted for the following sections have been too vague, or too general to be of substantive use, and as such, is still insufficient:

- B-1: Road Development (f);
- B-2: Aerial Images (a), satellite images of the current condition of the entire property;
- C: Project Response to Environmental Sensitivity (in its' entirety);
- E: Physical and Biological Environment (a and d);
- E-2: Wildlife (c and d: mitigation measures);
- E-3: Reclamation (b, c, and d);
- E-4: Environmental Monitoring;
- F: Human Environment (a, b, c);

Additionally, as CZN has deferred a considerable amount of information until after the proposed Spring 2006 Survey, we recommend the following:

1. The results of the proposed Spring 2006 Survey be incorporated into this Environmental Assessment process to ensure that the Review Board has sufficient evidence on record to recommend appropriate mitigation measures.
2. The proposed Environmental Management and Monitoring Plan and Flight Management Plan be submitted to EC and ENR for review and approval. Approval by both departments should be forthcoming prior to any licensed undertakings.
3. The Review Board require an approved Reclamation Plan that addresses the entire project footprint, prior to any licensed undertakings. This Plan shall include a Revegetation plan. This Plan shall include detailed adaptive strategies.

As noted previously, we also urge the Board to give considerable weight to the thresholds and indicators for Cumulative Effects, and the Critical Lifecycle periods from the draft Dehcho Land Use Plan. While the Plan itself has yet to be approved, the research upon which the thresholds and indicators are derived is based on independent, scientific research.

### **Public Hearing**

We have reviewed the submissions of all Parties, and the Public Hearing transcripts. While we do not find that the presentation of the developer answered our outstanding requests, the presentation did raise a few additional issues, to which we seek clarification.

1. The developer committed to cleaning all vehicles prior to each and every crossing, for each and every stream (not just Prairie Creek). The developer also described the cleaning process:

*We will also be cleaning the equipment before it crosses the creek. What we are planning to do is we're going to set up a steam cleaning set up close to where the existing fuel tank farm is located, and we're going to steam clean the equipment, all the equipment that will cross the creek, before it goes across. So, we'd remove any mud, soil, sediment entrained on the -- the skids or on the -- the dozer tracks and particularly remove any oily staining or coatings, so none of that material ends up in the water.*

On the crossings coming back, obviously we can't steam clean as the set up is on the other side of the creek, but what we can do is inspect the equipment and manually remove any material that's been picked up during the drilling process.

For clarification, we have the following questions of the above process;

1. Will the cleaning station near the Tank Farm be lined with an impermeable liner?
2. What will happen to the contaminants, hydrocarbons, sediments, and fluids at the Tank Farm cleaning station?
3. At remote creek crossing areas, CZN is proposing to clean the vehicles by hand. How will CZN ensure that no contaminants, hydrocarbons, sediments, etc...enter the surrounding waters, or soils? Will CZN have lined cleaning stations at each creek crossing location?

2. CZN noted the possibility of a spill from the pump engine or diesel supply at remote areas.

So, if there does happen to be any spill from the -- the pump engine or from the diesel supply, it'll be caught in the sump.

DFN requests the following clarification:

1. Will a fuel and contaminant spill kit be available at each remote drilling location?
2. If the sump is not lined, then it is possible for hydrocarbons to contaminate the soils in the sump, and also to enter local groundwater or surface water supplies. Will CZN commit to lining each sump, in order that sump materials, including hydrocarbons, can be removed off-site?

3. DFN and NBDB are concerned with the proposed water quality monitoring strategy and request more information on sampling. In the Public Hearing, CZN noted that they would undertake a baseline monitoring program prior to operations.

1. DFN seeks clarification that baseline monitoring will incorporate all waterways potentially affected by the road network and drilling sites (not just Prairie Creek);
  2. DFN recommends that a real-time water quality monitoring program run continuously throughout the drilling program. Such a program will help to monitor the effects of the use, maintenance, and construction of the road network, vehicle stream crossings, as well as malfunctions or accidents.
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In summary, the Dehcho First Nations and the Nahanni Butte Dene Band are participants in this environmental assessment as directly affected First Nations. DFN and NBDB have significant concerns regarding the current, and proposed activities of the Canadian Zinc Corporation in the South Nahanni Watershed, an area of immense cultural, spiritual and traditional importance. As such, DFN and NBDB urge the Board to adopt the utmost care in ensuring that all necessary information is gathered and analysed, in order that, should this project proceed, appropriate mitigation measures are in place to protect these lands and waters.

We thank you for the opportunity to provide these comments.

Laura Pitkanen,  
On behalf of the Dehcho First Nations and the Nahanni Butte Dene Band.

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