

June 8, 2011

Chuck Hubert  
Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
Via E-mail: [chubert@reviewboard.ca](mailto:chubert@reviewboard.ca)

**Re: Canadian Zinc EA – Argument and Reply Argument**

Dehcho First Nations (DFN) is requesting that the Mackenzie Valley Environmental Impact Review Board (MVEIRB) schedule the filing of Argument and Reply Argument after the public hearings for the Canadian Zinc Prairie Creek EA.

The filing of Argument and Reply Argument are standard procedural steps for many Boards, such as the National Energy Board (NEB). It is our view that these steps should automatically be part of every EA process conducted by the MVEIRB rather than something that parties need to request.

By not using an Argument phase after the hearings, the Board is devaluing the hearing process. The asking of questions and the gathering of information at the hearings (or afterwards using undertakings) is not just for the benefit of the Board – it is for the benefit of all parties so that they can better understand the project and thoughtfully arrive at their final conclusions and recommendations.

This process takes time. There should be time to review the written transcripts and time to review any undertakings that were filed both during and after the hearings prior to a party having to prepare its Argument. The Board's current process of expecting the parties to digest three days of hearings and new information and wrap that up immediately into a final closing statement at the hearings is a far less-than-optimal use of the hearing process and is an unfair and unreasonable expectation on the parties participating in the process.

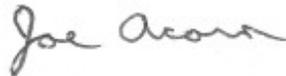
We expect that the Board's current process will have even less value and be more difficult for this particular EA as we are anticipating that there will be significant and numerous undertakings that will need to be filed after the hearings.

While we are requesting that the Board add Argument and Reply Argument to the schedule, we are also requesting that the Board not put any timelines to these schedule additions right now. Given the potential for significant undertakings to be required after the hearings and given CZN's history of not meeting its filing deadlines, we suggest that the following conditions be accepted by the Board as guidance for the setting of timelines.

1. The due date for Argument will be scheduled relative to the actual last filing date of any undertaking that arises from the hearings. Argument should not be scheduled based upon projected CZN filing dates for undertakings.
2. The time allowed between the filing of the last undertaking and the due date for Argument will be dependent upon the volume and complexity of information provided at the hearing and/or through undertakings after the hearing. The parties to this process should not be squeezed with tight timelines due to this EA having moved to the hearing stage before it is ready and with inadequate information.
3. The MVEIRB will seek the views of the parties when setting the timelines for the filing of Argument and Reply Argument. The Board will issue a letter seeking and/or suggesting timelines only after the last CZN undertaking has been filed with the Board.
4. All parties can participate in both the Argument and Reply Argument phases of the process. Restricting Argument to the interveners and the Reply Argument to CZN is not a fair or reasonable approach as it does not allow interveners to respond to each other's argument. If CZN chooses to participate in this process, then its due dates for Argument and Reply Argument should be the same as for the interveners. This is a fair and reasonable process that is used by other Boards.

If you have any questions concerning this request, please contact me.

Sincerely,



Joe Acorn