

June 17, 2009

Alistair MacDonald  
Mackenzie Valley Environmental Impact Review Board  
Via E-mail

Dear Mr. MacDonald:

**Re: EA0809-002 - Canadian Zinc Prairie Creek Mine  
Review of the Draft Terms of Reference (ToR) and Work Plan**

This submission is being made on behalf of the Nahanni Butte Dene Band (NBDB). The NBDB has reviewed the draft Terms of Reference (ToR) and Work Plan and is submitting the following comments to the Review Board.

## **Terms of Reference**

### *Section 2.1 Scope of Development*

The Review Board, both in Section 2.1 and in the ToR as a whole, seems to be considering that the current alignment of the winter road will become the permanent alignment of the winter road for mine operations.

Based on its traditional knowledge research, the NBDB has concerns related to the winter road with regards to potential impacts upon water, fish and wildlife, as well as concerns about impacts upon cultural and heritage resources. Therefore, adjustments to the current winter road alignment need to be considered that might reduce the potential impacts of this project.

The NBDB recommends that the ToR direct Canadian Zinc (CZN) to consult and work with the NBDB in developing and evaluating adjustments to the winter road alignment to reduce potential impacts.

### *Section 3.2.4 Description of the Existing Environment, Point 8*

The NBDB recommends that the 2<sup>nd</sup> sentence in this section be changed to: “*Special emphasis will be placed on key harvested species like moose, sheep, caribou (both woodland and mountain) and beaver.*”

### *Section 3.2.4 Description of the Existing Environment, Point 21*

The people of the NBDB have an extensive and long history of overland travel through the mountain and valleys in the EA Study Area. Of particular importance were the mountain passes which provided easy access into and between valleys. The mountain passes should be specifically mentioned in Point 21 as areas of high potential for heritage resources and cultural values in the EA Study Area.

*Section 3.4.2 Distribution of Beneficial and Adverse Socio-Economic Impacts*

The financial health of this project and CZN as a whole is an important consideration in this EA. As an exploration company with no history of successfully financing and operating mines, NBDB needs to be ensured that the financial capability exists to properly and safely construct, operate and close this proposed mine.

NBDB recommends that Point 1 be expanded to require CZN to table information regarding its financial capacity to construct, operate and close the mining operation.

*INAC Comments*

The NBDB noted that INAC made the following comments in relation to Section 3.2.4 Points 16 to 18, Section 3.4.1, Section 3.4.2 and Section 3.4.3.

**INAC agrees that the developer has responsibility for mitigating negative impacts caused by or contributed to by the development, and that such mitigation efforts may be part of larger initiatives with other parties. The TOR should clarify the relationship between the developer's responsibilities and government's social and economic mandates with respect to the Prairie Creek development. A number of parties including, but not limited to, the federal, territorial and local governments, Aboriginal groups and other stakeholders, have mandates and responsibilities in these areas and may be better placed to provide this information to the Review Board. (p.32)**

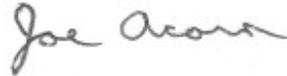
Having raised this point, INAC should be directed to submit a report that outlines the information it suggests is in its possession concerning the relationship between the developer's responsibilities and Canada's (or the GNWT's) social and economic mandates with respect to the Prairie Creek development. It is in the NBDB's interest to know who is accountable for the various mitigative measures that might be applied to this project.

The NBDB knows that traditionally the Review Board's ToR is designed to give instructions only to the developer as to the required contents of the Developer's Assessment Report (DAR). However the NBDB sees no legislative or procedural barrier to the ToR also being used to issue directions to other participants in the EA process to acquire information that will need to be acquired at some later point in the EA process. By expanding the role of the ToR and requesting information from other parties up-front, the result can and should be a more timely and efficient EA process with hopefully fewer information requests.

## **Work Plan**

Given the volume of information to be submitted and its limited capacity, the NBDB is concerned that one month for the 1<sup>st</sup> round of IRs is not sufficient. The NBDB recommends increasing the period between submission of the DAR and 1<sup>st</sup> round IRs to at least 45 days.

Sincerely,



Joe Acorn