



MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

PRAIRIE CREEK ALL SEASON ACCESS ROAD

CANADIAN ZINC CORPORATION

TECHNICAL SESSION

Mackenzie Valley Review Panel:

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Fort Simpson, NT

April 28, 2017

Day 3 of 3

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1	LIST OF UNDERTAKINGS		
2	NO.	DESCRIPTION	PAGE NO.
3	9	To provide an explanation of how	
4		the numbers of caribou were	
5		derived in the Canadian Zinc	
6		figures	39
7	10	An update of all the plans to be	
8		developed or updated by Canadian	
9		Zinc for the project components	
10		and the agencies who will be	
11		involved in the review and approval	
12		of those plans.	41
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1 --- Upon commencing at 8:50 a.m.

2

3 THE CHAIRPERSON: Good morning,
4 everyone. Today is Friday, the 28th, and it's the
5 last day of the hearing. So we have a busy agenda in
6 front of us this day, so we'd like to get started.

7 And just a comment that the review of
8 the undertakings and the commitments from April 27th
9 are all posted on the public registry and recorded.

10 This morning I would like to start with
11 a presentation, and I'll welcome Canadian Zinc. And
12 he needs a clicker, he said. Is someone helping?
13 Check, check.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Canadian Zinc, could
18 you identify your parties if they're online, too?

19 MR. ALAN TAYLOR: Thank you, Madam
20 Chair. It's Alan Taylor, Canadian Zinc. I'll
21 introduce my team. It's changed a bit in the presence
22 today. I have David Harpley, VP of Environmental
23 Affairs, next to me. And Karla Langlois from Tetra
24 Tech, she's a biologist.

25 And in the back is Joseph Lanzon,

1 Government Affairs, and Wilbert Antoine, our northern
2 manager, and Clayton Konisenta, our manager here in
3 Simpson. Thank you. And I don't believe we have any
4 -- anybody on the phone right now.

5

6 PRESENTATION BY CANADIAN ZINC CORPORATION:

7 MR. DAVID HARPLEY: It'S Dave Harpley.
8 Good morning. We may have a couple of people on the
9 phone later. Amy McLenaghan who was on the phone
10 yesterday may be on the phone again later on, and I
11 think at some point, we will have Brent Murphy from
12 Lifeways. I'm not sure what the full name is, but the
13 main name is Lifeways. He's an archaeological
14 consultant. He'll be on the phone later.

15 So this morning, we're going to cover
16 the remaining topics, starting with wildlife. And as
17 for previous presentations, some of this material I
18 have covered in previous days, particularly in the
19 community hearings. It's on the record and it's in
20 the handouts, so I don't propose to go over the same
21 material again. I'll just cover the -- hopefully,
22 just the new material and new points.

23 So these are all the subjects we'll
24 cover this morning: wildlife, traditional harvesting,
25 cultural and heritage resources, closure, reclamation,

1 and impacts from employment.

2 Under wildlife, we're going to consider
3 wildlife, including birds and species at risk, and
4 specifically mountain caribou, boreal caribou,
5 collared pika, bears, birds, and species at risk, and
6 one (1) item I erred in not including is western toad.

7 So starting with mountain caribou,
8 we've discussed mountain caribou previously. And I
9 don't want to read through all of these bullet points
10 again. We can look at the figures again briefly, and
11 then I'll come back to this slide.

12 So just for everybody in the room and
13 people that haven't seen this before, here we've taken
14 a closeup of our area, and we have the mine down here
15 and our access --proposed access road. And what we
16 superimposed on it is the official mountain caribou
17 range from the species at risk 2016 booklet. And
18 also shown here are the locations of where Parks
19 Canada collared mountain caribou for tracking
20 purposes.

21 This is a figure from Parks Canada's
22 technical report. It shows a kernel density map of
23 the animals that they've collared. And you can see
24 that they're -- indicated on the figure there's two
25 (2) zones of high intensity, as indicated by the

1 legend on the right-hand side here. And the southern
2 zone appears to indicate a high density proximal to
3 the mine.

4 We did ask for this information, the
5 data, from Parks Canada, which they provided, and the
6 next maps were generated using the same data. So
7 zooming in on our area, and looking at a density based
8 on counts here and on a seasonal basis, and you can
9 see that the -- basically, where there's no particular
10 density, zero to one (1) count, there's -- there's
11 basically no colour. And the green colour, one (1) to
12 five (5), is what's shown here.

13 And this is spring migration. The
14 font's a little small at the top here, but that's what
15 it says. And you can see that the higher density
16 concentrations are shown here to the north of the road
17 in the Sundog area, and to the west -- to the
18 northwest in this location here.

19 So if we move through the seasons,
20 similar pattern in summer, a little more dense in
21 post-calving time in summer, and here we're up to
22 counts of twelve (12) in the -- the red area to the --
23 to the north of the road. And I must add that in --
24 this particular location here is an area we locally
25 call Caribou Flats.

1 We've seen caribou congregate here. We
2 -- it's not a surprise to us that there's a
3 congregation here. We certainly have seen
4 concentrations that are approximately 6, 7 kilometres
5 north of the road in this location.

6 On this particular map, you can see
7 that there are some occurrences of collared -- of
8 animals -- a few animals. I haven't -- I haven't
9 shown the collared data as such. It's in the
10 documents that are on the -- the registry.

11 But there's two (2) animals in
12 particular that periodically do cross the alignment in
13 this kind of location, and I think this is the basis
14 for Parks Canada's comment that they may represent a -
15 - a small group in -- residing in this area.

16 This is now the fall time, and again,
17 we see the main congregation area to the north here,
18 and also to the west. And also the -- this small
19 group in the Sundog area is more pronounced in this
20 location. And this is winter time. Again, similar
21 pattern.

22 So what this picture suggests to us,
23 and it kind of jives with what we're seeing out there
24 during our studies, is that we have concentrations of
25 mountain caribou to the north and to the west of the

1 mine and the road, but that we don't see much in the
2 way of sightings along the road alignment itself.

3 I come back to some fieldwork we did
4 two (2) or three (3) years ago when we were out along
5 the road in mid-September, so it would be in the fall
6 time, consistent with this picture here. And we were
7 out there for eight (8) or nine (9) days with probably
8 six (6) to seven (7) different crews with multiple
9 flights up and down, and we saw a group of three (3)
10 caribou once in that whole time.

11 So, come back to the -- the bullet
12 points. What we've proposed for mitigation for
13 potential occurrence of caribou on the road during
14 operations is basically to have a collision avoidance
15 strategy and the speed re -- speed restricted crossing
16 zones.

17 And the approach is, essentially, is if
18 -- if monitors or drivers or maintenance operators see
19 animals, firstly, they'll record them. The drivers
20 won't actually do that by writing because obviously
21 they'll be focussing on driving, but if they're on a
22 radio, they can at least radio the sighting in. But
23 if they're actually driving on the road, then they'll
24 be required to stop and wait for the animal to move
25 off a certain distance before they proceed.

1 If we find that we have a location
2 where there's -- there's a common occurrence of the
3 animals, suggesting a crossing zone, then it's
4 probable we would put up -- put up warning signs
5 basically advising road users that it's a potential
6 animal crossing zone.

7 We will be collecting on a structured
8 bases sightings along the road and collecting a log so
9 we can monitor frequency and habits and how many and
10 other details and collect that for later reporting and
11 consideration.

12 Some parties have suggested that we
13 should be planning to conduct broad aerial surveys to
14 advise and -- and inform adaptive management, and
15 we're not really seeing the justification for that
16 based on what we're seeing out there. And -- and we
17 also wonder what kind of adaptive management would be
18 appropriate.

19 But having said that, we're amenable to
20 working with parties, including Parks Canada, to come
21 up with what might be a collaborative approach,
22 perhaps a more community-based approach that would be
23 suitable to all parties.

24 The bottom line for us though is that,
25 based on what we're seeing out there and -- and what

1 we expect to counter during operations, is that we
2 feel and our consultant feels, and that certainly was
3 the conclusion of -- of their report, that the
4 potential for significant impacts is low.

5 Moving on to boreal caribou. Again,
6 I've covered most of this in previous presentations.
7 We're on slide 12 at the minute. And one (1) small
8 point I wanted to add. I know that there are some
9 parties that feel, as far as habitat disturbance is
10 concerned, it should include the all-season road in
11 totality.

12 However, we have a winter road permit
13 already which went through EA and we're proposing to
14 develop the all-season road only, not the winter road,
15 as a separate alignment, for the most part. So in our
16 disturbance calculation we subtracted the winter road
17 footprint, and so that is the 1,700 hectares that
18 shown up there.

19 Collared pika do occur in the more
20 mountainous areas, particularly in the talus, in the
21 Sundog area, and, to some extent, at the top end of
22 the Funeral Creek drainage. We have done one (1)
23 survey already and have noted their presence in some
24 locations and evidence of their presence in the past
25 in others.

1 We have committed to do an additional
2 presence-absence and distribution survey of the area
3 and we're discussing the format of that, and -- and
4 actually a schedule of that with Parks Canada at the
5 present time.

6 We've provided for mitigation in our
7 plans for bears including a -- a survey before winter
8 road construction just to determine if there is the --
9 the presence of dens, and the normal collision
10 avoidance, and mitig -- mitigation for human
11 encounters is incorporated also.

12 We're also planning to do some
13 additional baseline work for birds and species at
14 risk. And I think I've been through this list before.
15 We did mention trumpeter swans previously in terms of
16 setback distances for construction.

17 We've also provided for mitigation for
18 nesting birds if we're working in the nesting season.
19 So the baseline survey we're con -- we're -- we're
20 planning to do is -- basically consists of a survey of
21 -- using acoustic recording units so we can determine
22 distribution and species type in the area. And we're
23 actually planning this work in the next couple of
24 months with collaboration with Parks Canada.

25 Having said that, we see this survey

1 more as a check, that there's no significant
2 concentrations of species at risk; birds in the area
3 that would be a significant effect. It's kind of a --
4 an insurance that we're -- we're not going to have a
5 significant impact. It's certainly our expectation at
6 this point and was our consultant's conclusion that --
7 that there's no significant impact potential.

8 Traditional harvesting, I have covered
9 this before. This is basically information that was
10 provided to us by the Nahanni Butte Dene Band
11 summarizing harvesting activity that they're aware of
12 in the area. So I'll leave that as it is and move on.

13 I've also discussed the cultural and
14 heritage resource work we've done at this point
15 previously. We have done two (2) surveys previously
16 in high potential areas and have not located any
17 resources. We are, however, planning to do an
18 additional archeological impact assessment.

19 We've committed to involve Nahanni
20 Butte in field work related to that so they can
21 provide some dir -- direction and also help us with
22 the investigation. It will be an intrusive
23 investigation in places, including shovel testing. It
24 will be directed by a professional archeologist.

25 That archeologist will also prepare for

1 us a heritage resource protection plan and booklet.

2 What we have in mind is that we want them to develop a
3 booklet which is available for all personnel that will
4 work on the road, including construction personnel.

5 Part of the difficulty we see is that
6 not everybody knows what heritage resources actually
7 look like. So by having a booklet we hopefully are
8 better able to detect them if they exist and -- and
9 provide the protection as appropriate.

10 We're also at the minute developing the
11 scope of work for the assessment and are talking to
12 Parks Canada and GNWT as far as scope and content and
13 we would involve traditional groups, and incorporate
14 traditional knowledge before we undertake the program.

15 Closure and reclamation planning is
16 part of any project proposal. And our proposal
17 includes those plans of drafting this -- this point,
18 which would be reviewed and revised as we get ready
19 for construction.

20 Initially, we're focussing on the
21 borrow pits which will need to be -- most of which
22 will need to be closed after they've been used. We do
23 plan to save and store topsoil if it's available for
24 later use, but essentially we're trying to recreate
25 the surface and -- and reestablish drainage and -- and

1 promote revegetation after we have -- have finished.

2 We'll need to do some more
3 consideration of revegetation techniques and stimulate
4 natural invasion, but we may also look at using seed
5 if we can effectively use seed that's -- that's going
6 to germinate and actually survive. And of course the
7 big concern is introducing a species that we don't
8 want, so we have to be careful that we're only using
9 native species.

10 I've mentioned this before, but quickly
11 just again, we're certainly hoping that there'll be
12 positive impacts from the project in terms of
13 employment, both direct employment and indirect in
14 terms of services.

15 And we certainly will work with local
16 groups and the band in terms of minimizing negative
17 social side effects, many of which are explained in
18 our existing socio-economic agreement with the GNWT.
19 Thank you.

20

21 QUESTION PERIOD:

22 THE CHAIRPERSON: Thank you for the
23 presentation.

24 Questions to the presentation, Dehcho
25 First Nations?

1 (BRIEF PAUSE)

2

3 MS. CARRIE BRENEMAN: Carrie Breneman,
4 Dehcho First Nations.

5 You mentioned in your presentation that
6 you were talking to Parks Canada about looking towards
7 a community-based approach to caribou monitoring. Do
8 you have any plans at this point of what that would
9 look like?

10 MR. DAVID HARPLEY: It's Dave Harpley.

11 At the present time, we have a -- an
12 existing commitment that we will have environmental
13 monitors on the road, and those monitors will come
14 from the Nahanni Butte Dene Band. We certainly expect
15 that one (1) of their duties will be to record animal
16 sightings.

17 Beyond that, we haven't really had a
18 more in-depth discussion with Parks Canada on this
19 particular issue, but we will certainly in the near
20 future.

21

22 (BRIEF PAUSE)

23

24 MS. CARRIE BRENEMAN: Carrie Breneman,
25 Dehcho First Nations.

1 Will those discussions that you have
2 with Parks Canada involve kind of more detailed
3 discussions of what a community monitoring-based
4 approach or what -- or what types of monitoring you'll
5 be doing along the road?

6 MR. DAVID HARPLEY: Dave Harpley.
7 Yes, it's basically open for discussion at this point.
8 I don't have any preconceived position on it.

9 MS. CARRIE BRENNEMAN: Carrie Breneman,
10 Dehcho First Nations.

11 You've mentioned a monitoring approach,
12 but I didn't notice anything about adaptive management
13 in your presentation. My understanding of monitoring
14 is it's done so that if you're note -- there are
15 certain triggers that if you're noticing kind of an
16 adverse impact, that you then em -- employ some sort
17 of adaptive management approach.

18 You know, in these discussions around
19 community monitoring, will there also be discussions
20 of what adaptive management triggers would look like?

21

22 (BRIEF PAUSE)

23

24 MR. DAVID HARPLEY: It's Dave Harpley.
25 So many of the monitoring approaches are discussed in

1 our wildlife -- currently it's called the Wildlife
2 Mitigation and Monitoring Plan.

3 I can think of one (1) adaptive
4 approach that I did mention, which was that if we find
5 that there's an area where animals are seen regularly
6 either proximal or crossing the road, then it would be
7 sign posted. I'm also wondering whether the question
8 is kind of species specific. I was perhaps assuming
9 that it caribou related but maybe not.

10 Another one (1) -- another adoptive
11 approach we could potentially encounter is where we
12 find we have nesting birds in a -- in a gravel pit,
13 for example, in which case we would simply use a
14 different pit. So that's just an example.

15 MS. CARRIE BRENEMAN: Carrie Breneman,
16 Dehcho First Nations.

17 No, I -- when I was -- sorry, I should
18 have been more clear. You had mentioned that you were
19 looking towards a community-based approach and, I
20 mean, I understand at this point we don't know what
21 that community-based -- you know, there's going to be
22 more discussions on what the details of that community
23 monitoring will look like.

24 My point was, is if there's community-
25 based monitoring for caribou, typically monitoring

1 includes an -- you know, the reason why you're
2 monitoring is to see if you're having a sig -- you're
3 having an adverse impact, and there's usually triggers
4 related to that monitoring where adaptive management
5 is employed.

6 So I'm just wondering if you're -- you
7 know, if you're having these discussions with -- with
8 Parks Canada about monitoring around northern mountain
9 caribou, if you've had any thought yet about not just
10 the monitoring aspect but the adapti -- the triggers
11 and adaptive management aspect.

12

13 (BRIEF PAUSE)

14

15 MR. DAVID HARPLEY: It's Dave Harpley.

16 So obviously this is something that
17 will evolve as we collect -- start collecting
18 information and begin to consider what's an
19 appropriate adaptive management approach.

20 But we're kind of speculating at this
21 point that perhaps the first step would be that if we
22 find that we're either finding more animals or -- or
23 they're -- they're occurring more often in one (1)
24 particular area then I think initially you would tend
25 to focus your monitoring efforts in -- in that area

1 more, particularly in terms of early warning for
2 traffic, potential speed reduction zone, or amending a
3 speed reduction zone, something of that nature, and --
4 and kind of go from there and see how it develops.

5

6 (BRIEF PAUSE)

7

8 MS. CARRIE BRENEMAN: Carrie Breneman,
9 Dehcho First Nations.

10 You mentioned in your presentation that
11 you've committed to completing an archeological impact
12 assessment and that you'll be doing shovel testing.
13 And maybe you can just clarify this for me. I'm not a
14 professional archeologist but typically what's done is
15 there is an archeological overview assessment, and
16 within that you determine what are kind of high risk
17 areas for archeological resources.

18 And then you go into those areas and do
19 shovel testing, is that correct?

20 MR. DAVID HARPLEY: Dave Harpley.

21 That's my understanding of -- well,
22 first of all we -- we have completed an archeological
23 overview assessment already, and, yes, you're correct.
24 That's my understanding of how it would then evolve
25 from that into the assessment.

1 MS. CARRIE BRENEMAN: Carrie Breneman,
2 Dehcho First Nations.

3 Again just so I understand, where --
4 where along the road alignment will the shovel testing
5 areas occur -- or where along the road alignment are
6 you going to be doing shovel tests?

7 MR. DAVID HARPLEY: Dave Harpley.

8 To be determined by the professional in
9 consultation with the -- the parties, but it's my
10 impression that the whole alignment will be considered
11 but with more emphasis on those areas that seem to
12 have a higher potential based on traditional knowledge
13 and the -- the modelling that's been completed.

14 MS. CARRIE BRENEMAN: Carrie Bre --
15 Breneman, Dehcho First Nations.

16 I have one (1) kind of outstanding
17 question, and it's only because it hasn't come up in -
18 - you know, we've been involved in the process all the
19 way along, and we've kind of talked about risk and --
20 along the road.

21 But -- but one (1) kind of outstanding
22 question that I had was: If there's an accident along
23 the road alignment or -- well, I guess just along the
24 road alignment, have you made considerations of how
25 you're going to get those people out, either by a

1 helicopter or by a truck, and have you made agreements
2 with Dehcho Health and Social Services in terms of
3 emergency response?

4

5 (BRIEF PAUSE)

6

7 MR. DAVID HARPLEY: It's Dave Harpley.
8 We discussed the other day kind of spill response
9 plans, and there was a commitment made to develop an
10 emergency response plan. I think that that plan would
11 more specifically address that item.

12 To kind of give more of -- of an answer
13 at this point, although somewhat of a speculation on
14 my part, I think certainly, if there's a medical issue
15 or -- or an issue of difficulty of getting to a
16 location that we need to move equipment or personnel,
17 then certainly we can employ a helicopter, and I
18 suspect one (1) will be on call anyway for the
19 possibility of medevac, for the operation, that is.

20 As far as actually vehicle retrieval,
21 it's my guess that some form of approach such as a --
22 the availability of heavy truck and winch would be
23 probably the preferred solution, but the caveat is --
24 I -- I mean, I'm an environmental professional, I'm
25 not a health and safety and recovery professional, but

1 -- so that's my speculation, at least.

2

3 (BRIEF PAUSE)

4

5 MS. CARRIE BRENEMAN: Carrie Breneman,
6 Dehcho First Nations. We have no further questions.

7 THE CHAIRPERSON: Questions,
8 Environment and Climate Change Canada?

9 MR. BRADLEY SUMMERFIELD: Bradley
10 Summerfield, with Environment and Climate Change
11 Canada. We have no questions.

12 THE CHAIRPERSON: Questions, Fisheries
13 and Oceans Canada?

14 MS. VERONIQUE D'AMOURS GAUTHIER:
15 Thank you, Madam Chair. Veronique D'Amours Gauthier,
16 with Fisheries and Oceans Canada.

17 We don't have any question.

18 THE CHAIRPERSON: Questions,
19 Government of the Northwest Territories?

20 MS. LORRAINE SEALE: Lorraine Seale,
21 GNWT. No questions.

22 THE CHAIRPERSON: Questions,
23 Indigenous and Northern Affairs Canada?

24 MS. MAUREEN FLAGLER: Maureen Flagler,
25 Indigenous and Northern Affairs Canada.

1 We have no questions. Thank you.

2 THE CHAIRPERSON: Questions, Liidlii
3 Kue First Nation?

4 MR. DEAN HOLMAN: Thank you, Madam
5 Chair. Dean Holman, from the Liidlii Kue Government.

6 My questions are -- I -- I have a few
7 questions, but also some comments here in terms of our
8 position. Regarding -- regarding traditional
9 resources and traditional harvesting of resources, the
10 Liidlii Kue Dene highly value and rely on the
11 wildlife, including caribou, moose, and other species.
12 These would be specifically and not limited to, but --
13 sorry, here, to caribou, moose, sheep, fish, flora,
14 including berries and medicinal -- medicinal plants.

15 The caribou research indicates sentinel
16 and migratory groups of caribou in the project area
17 and along the right-of-way. It is perceived through
18 local community-based monitoring and historical
19 observation and indigenous knowledge that the sentinel
20 groups of caribou mingle with the boreal caribou.
21 It's observed that the boreal caribou use the passes
22 to migrate from low lands to high lands in order to
23 get away from the nuisance bugs such as mosquitos and
24 horse flies due to temperature changes.

25 It's perceived that year-round access

1 and traffic has the potential to impede caribou
2 behaviour or result in higher predation losses. We
3 want clear commitments from CZN. LKFN supports Parks
4 Canada's data on occurrence of caribou in the area and
5 the potential of the -- of affecting those caribou.

6 LKFN can't support CZN's conclusions on
7 trace occurrences of northern mountain caribou to the
8 all-season road, because we believe that there's just
9 eno -- not enough information to -- to support CZN's
10 arguments. LKFN recommends that MVEIRB require
11 monitoring that would include local Denendeh resource
12 monitors.

13

14 (BRIEF PAUSE)

15

16 MR. DEAN HOLMAN: My next questions or
17 lines of comments are on predictions to -- of impacts
18 to culture. No support -- no support has been given
19 to measure impacts, making it difficult to identify
20 mitigation. The Proponent has a limited understanding
21 of -- of cultural impacts that is not only defined by
22 the erosion of Deneshty (phonetic) hunting, fishing,
23 and gathering, but also the depth and to the Dene ways
24 on Dene land and waters.

25 The changes in the ability of members

1 to uphold our beliefs, our values, and practices is at
2 stake. The loss of unimpeded access to cultural areas
3 and sites is at stake. Increased anxiety in the
4 communities is heir apparent due to the amount of
5 spills that we have had in our region and in terms of
6 the -- those upstream projects to Liidlili Kue.

7 There has been a diminished supply of
8 culturally important foods and tools in a -- in the
9 past two (2) years that I've -- have been here. We've
10 expressed that access to our region has been an
11 unsupervised and an unrespected -- and -- and cases of
12 unrespected access.

13 We have our Denendeh resource
14 committee, which is made up of land users, traditional
15 land users. And those land users are out on the land
16 the majority of the time. They consider -- they
17 consider access to our resources as a result of bands
18 in other jurisdictions on traditional food sources.
19 That, in turn, creates a -- a burden on our area,
20 because we don't have our Dehcho resource management
21 authority in place yet.

22 And there has been num -- on numerous
23 accounts and numerous occasions through different
24 collaborative forums, we've heard from our people and
25 other people that, with the caribou bands in -- in the

1 other jurisdictions, that has forced harvesters to go
2 -- come to our region and hunt, you know, our -- our
3 resources.

4 And that is -- we -- we have noticed a
5 decline, a decline in moose. We've noticed a -- a
6 decline in caribou. And with the ac -- with this
7 project and access being an issue, taking into
8 consideration the population of Nahanni Butte, one (1)
9 of the questions -- one (1) of the biggest questions I
10 have is: You know, with the amount of monitoring that
11 it -- that looks to be required in this project, how
12 many monitors would be hired for the project?

13 And could -- you know, could that be a
14 negative impact on a small community such as Nahanni
15 Butte? Because they may not be able to -- to fill
16 those positions? And so, you know, the overflow I
17 would consider to be -- to include LKFN in those
18 monitoring programs.

19 I would -- I would -- I think that that
20 would be something that would definitely bring Nahanni
21 Butte together with Liidlii Kue on an area in which we
22 can work together collaboratively and reach the needs
23 in terms of employment.

24 That is all I have to say for now.
25 Masi.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Canadian Zinc, do
4 you have a response? I think there was a few
5 questions in there.

6 But just as a reminder to the -- the
7 question period, that if you could try to keep it to
8 the questions so that Canadian Zinc will have an
9 opportunity to answer the relative questions to what
10 you're asking for. And if the comments could be
11 briefly made, but keep your comments directly so that
12 Canadian Zinc will have an opportunity to answer.

13 MR. DAVID HARPLEY: Dave Harpley.
14 Thank you, Madam Chair. Yes, there were many points
15 there that we would like to comment on, and I'll try
16 and do them in the same order.

17 Regarding caribou observations and what
18 we see out there, I can only tell you what we've seen.
19 I -- as far as mountain caribou and -- and, well,
20 caribou in general in passes, there are indications
21 that mountain caribou cross the -- the high pass
22 between Sundog Creek and Funeral Creek.

23 But beyond that, we have not seen any
24 caribou in any of the other passes along the road at
25 all. So that would include Wolverine Pass on the

1 Silent Hills and the Grainger Gap.

2 There was reference to a caribou
3 occurrence in Grainger Gap by a party in an earlier
4 submission during this process. And I think that was
5 in one (1) of the community sessions, and we did
6 provide a response that indicated that we have not
7 observed -- this was boreal caribou that we were
8 talking about -- we have not observed boreal caribou
9 in that area at all.

10 I did say earlier in the week that
11 Nahanni Butte have observed boreal caribou
12 occasionally proximal to the river crossing.

13 As far as mountain caribou distribution
14 in the project area, I'm going to ask Wilbert Antoine
15 to give kind of an overview because he was part of
16 previous studies.

17

18 (BRIEF PAUSE)

19

20 MR. WILBERT ANTOINE: Good morning.
21 Wilbert Antoine, manager of northern development,
22 Canadian Zinc.

23 As the resident manager I have been
24 involved in a lot of the -- a lot of the studies that
25 have been done, including caribou survey that was

1 requested by Parks, but early on we made a decision
2 that it's not going to be just a caribou study.

3 The study began in December of 2010,
4 January, February, and March. So we -- we know
5 exactly where everything was. The study area we
6 wanted to do was about 5 kilometres on each side of
7 the -- the road. The Parks wanted a grid system
8 encompassing 9,622 kilometres, all in grid system
9 north -- north, south, east, west.

10 For fifteen (15) days I was on the 172
11 aircraft on skis. We conducted the -- the study, and
12 -- as I said. And this report was -- is on the
13 registry before the Review Board, and I made the same
14 report back in July the 4th in Nahanni Butte, and July
15 the 5th here in Simpson for the cultural -- the -- the
16 cultural meetings that we had.

17 And one (1) of the observations that we
18 made was that the mountain caribou was basically in
19 the -- what the -- you saw on the presentation. So
20 they're not exactly along the road -- the -- the road.
21 They cross now and again, but there's not as many as
22 there -- there was. The main concentration was mainly
23 to the north of the mine, and to the Sundog Lake area.
24 And in between there's just a few observations. It's
25 all in the report. All you've got to do is read --

1 read the report.

2 And the boreal caribou that we saw, or
3 we didn't see, was pretty well along the eastern --
4 the eastern slope, I call it, and the -- the reports
5 call it the -- the front range from -- all the way
6 from around the Sibbeston Lake area all the way to
7 Nahanni Butte, and we didn't see any boreal caribou.
8 But their collared information from Nick Larder
9 (phonetic), the NWT biologist, indicates that there's
10 -- that there's herds in there but we didn't see any.

11 One (1) of the things that we did is we
12 -- as I said at the beginning of my -- my report here,
13 is that we made a conscious decision to include every
14 species that we encountered. We saw moose. We saw
15 sheep. We saw wolf tracks. We -- every track that we
16 saw we encountered, and it's all in there -- in the
17 report.

18 And one (1) of the things that was very
19 important to us is that we encountered skidoo tracks
20 where -- where people went. And the main pod that we
21 saw of human activity was out of Nahanni Butte in
22 their traditional territory all the way to the second
23 gap, and down Fishtrap, and in that area. We didn't
24 see any other encounters of anybody in the area. And
25 this is wintertime. We -- we made sure that we put

1 all that in the report. And as I said before, the
2 report is in the -- before the Board on the registry.
3 Thank you.

4 MR. DAVID HARPLEY: So Dave Harpley
5 again. So just to add to some of the other points
6 that were made re -- regarding cultural impacts.

7 The commenter suggested that we hadn't
8 addressed impacts for culture. As I noted in my
9 presentation, we've done two (2) prior surveys
10 already. This was after quite extensive TK work by
11 the Nahanni Butte Dene Band prepared by a professional
12 occu -- professional consultant for that purpose, so
13 we had the benefit of that.

14 We had the benefit of direction from
15 their Elders on where to look. We also inquired with
16 LKFN at the time of the first survey regarding
17 traditional knowledge, and we were informed that it
18 wasn't an issue for them at that time, and so the work
19 was conducted. There was groundwork that was
20 conducted in what were considered to be the high
21 potential areas. And, as I noted, no resources were
22 found. And I also mentioned that, despite that, we
23 will be condi -- conducting an additional surv --
24 survey as a precautionary measure.

25 As far as monitors on the road and

1 staffing, it's my expectation that Nahanni Butte will
2 be able to provide the personnel that we need for the
3 monitoring. And, specifically, we intend to help them
4 provide the personnel by providing for training.

5 We did -- did mention earlier in the
6 week that there have been two (2) environmental
7 monitor courses conducted already through the Royal
8 College and the Mine Training Society and, if
9 necessary, we would help to put on additional
10 programs.

11 So we're actively looking at ways to
12 train their members so they can assist us with the
13 road operations.

14 THE CHAIRPERSON: Questions, Liidlii
15 Kue First Nations?

16 MR. DEAN HOLMAN: Thank you, Madam
17 Chair. Dean Holman, from Liidlii Kue First Nation.
18 We have no more questions at this time. Thank you.

19 THE CHAIRPERSON: Questions, Nahanni
20 Butte Dene Band?

21 MR. GARTH WALLBRIDGE: Thank you,
22 Madam Chair. Garth Wallbridge, Nahanni Butte Dene
23 Band. We have no questions. Thank you.

24 THE CHAIRPERSON: Questions, Natural
25 Resources Canada?

1 MS. VICTORIA THOMAS: Victoria Thomas,
2 with Natural Resources Canada. We have no questions.
3 Thank you.

4 THE CHAIRPERSON: Questions, Parks
5 Canada?

6 MR. DOUGLAS TATE: Thank you, Madam
7 Chair. Doug Tate, Parks Canada.

8 I noticed the caribou map results there
9 do look different than the Parks Canada maps. The
10 Parks' maps kernel simply show distribution of collars
11 and made no assumptions on the actual numbers of
12 caribou.

13 It appeared that your density map was
14 showing predicted numbers of caribou in different
15 zones. The fieldwork during collaring did not do
16 structured counts per se, so we're not sure -- not
17 sure how predicted numbers were determined for those
18 zones.

19 Could you explain how those numbers
20 were derived?

21 MR. DAVID HARPLEY: It's Dave Harpley.
22 I didn't produce the figures, so, unfortunately, no, I
23 can't, but we can certainly undertake to provide the
24 explanation of how they were created.

25 THE CHAIRPERSON: Legal counsel...?

1 MR. JOHN DONIHEE: Thank you, Madam
2 Chair. John Donihee, for the Board. I believe that's
3 Undertaking number 9. And so it'll be an explanation
4 of how the -- the numbers identified in the Canadian
5 Zinc figures were derived, numbers of caribou in the -
6 - in the Canadian Zinc figures were derived.

7
8 --- UNDERTAKING NO. 9: To provide an explanation
9 of how the numbers of
10 caribou were derived in
11 the Canadian Zinc figures

12
13 THE CHAIRPERSON: Questions from Parks
14 Canada?

15 MR. DOUGLAS TATE: Doug Tate, Parks
16 Canada. No more questions at this time.

17 THE CHAIRPERSON: Questions from
18 Review Board?

19 MS. KATE MANSFIELD: Good morning.
20 Kate Mansfield, Review Board.

21 Through the course of the last couple
22 of days Can -- and the last couple of years, Can Zinc
23 has committed to developing or updating a number of
24 plans to ensure that the construction, operation, and
25 closure of the project does not result in significant

1 adverse effects to the environment.

2 This project partially occurs within a
3 national park reserve and, therefore, has overlapping
4 layers of federal and territorial jurisdiction.

5 These several government agencies all
6 have unique mandates and require plans that will
7 address the particulars of these mandates. As such,
8 we're just looking for a bit more information and some
9 details on the plans that Can Zinc will have to
10 provide, to whom, when, and what might be included in
11 those plans.

12 So the question is: Can Can Zinc
13 please provide, possibly as an undertaking, an updated
14 list of all of the plans that will either be developed
15 or updated for the all-season road project, and to
16 include in this list the portions of the road project.

17 So, for example, the right-of-way --
18 right-of-way in the borrow pits, all-season road
19 footprint only, et cetera. What the plan applies to,
20 what phases of the project would be addressed, and
21 what regulatory agency or agencies will be involved in
22 the review and approval of the plans?

23 MR. DAVID HARPLEY: Dave Harpley. I
24 don't see that as a problem, but I'm thinking it would
25 probably be more efficient to have that kind of data

1 provided in a table.

2 MS. KATE MANSFIELD: Kate Mansfield.
3 That is our impression as well. That would be great.

4 THE CHAIRPERSON: Legal counsel?

5 MR. JOHN DONIHEE: Thank you, Madam
6 Chair. Then that will be undertaking number 10 and it
7 will be a -- an updating of all the plans to be
8 developed or updated by Canadian Zinc for the project
9 components over -- and the agencies who will be revol
10 -- sorry, involved in the review and approval of those
11 plans.

12

13 --- UNDERTAKING NO. 10: An update of all the plans
14 to be developed or updated
15 by Canadian Zinc for the
16 project components and the
17 agencies who will be
18 involved in the review and
19 approval of those plans.

20

21 (BRIEF PAUSE)

22

23 MS. KATE MANSFIELD: Thank you. My
24 next question -- this is Kate Mansfield, with the
25 Review Board. My next question is relevant to species

1 at risk. Northern mountain caribou have -- are listed
2 on the Federal Species at Risk Act as a species of
3 special concern.

4 Can Zinc has predicted the low
5 potential for significant impacts on northern mountain
6 caribou at a population level.

7 Does Canada Zinc -- Canadian Zinc think
8 that this project has the potential to adversely
9 affect individuals of this species?

10 MR. WILBERT ANTOINE: I have been
11 involved in mining for forty-five (45) years and --

12 THE CHAIRPERSON: Excuse me, state
13 your name when you're going to speak.

14 MR. WILBERT ANTOINE: Okay.

15

16 (BRIEF PAUSE)

17

18 MR. DAVID HARPLEY: It's Dave Harpley.
19 So we're talking about these -- the collar data that
20 indicates two (2) animals do cross the road and they -
21 - they -- we -- we kind of agree with Parks that they
22 do indicate that there may be a small group of animals
23 that reside in the area. It seems more likely that
24 they primarily reside in the, what's known as the
25 Sundog Lake area, which is to the north of the -- the

1 road alignment.

2 The fact that they cross the road
3 suggests that there may be some effect just by virtue
4 of development of the road and the traffic. But our
5 consultant feels, you know, the professional opinion
6 is that that effect would not be terribly significant.

7 Obviously, the worst effect would be a
8 collision and even more a mortality. And really,
9 that's what our mit -- mitigation adaptive management
10 programs are designed for, to minimize that risk.

11 So I guess our conclusion at this point
12 is that there -- there may be some effect, like an
13 avoidance, for example, by the animals, but the
14 professional beside me is considering that not to be
15 significant.

16

17 (BRIEF PAUSE)

18

19 MS. KATE MANSFIELD: Kate Mansfield,
20 Review Board. Thank you for that answer. I have
21 basically the same question for avian species at risk
22 if -- Canada Zinc (sic) has stated that population
23 effects are unlikely, but if effects to individual
24 avian species at risk are potential?

25

1 (BRIEF PAUSE)

2

3 MR. DAVID HARPLEY: It's Dave
4 Harpley.

5 So it appears the answer is much the
6 same as for mountain caribou with some additional
7 information in that because of the low number of
8 vehicles the magnitude of effect is equally low.

9 MS. ROBYN PADDISON: Good morning.
10 Robyn Paddison, Review Board.

11 Did you consider the combined effects
12 to traditionally harvested species from your
13 cumulative effects assessment for the Prairie Creek
14 mine and winter road, for the cumulative effects
15 assessment for the all-season road, along with the
16 project's specific effects predicated for the all-
17 season road?

18

19 (BRIEF PAUSE)

20

21 MS. KARLA LANGLOIS: Hi. Karla
22 Langlois, with Tetra Tech.

23 Can you, please restate your question?

24

25 (BRIEF PAUSE)

1 MS. ROBYN PADDISON: There was a
2 cumulative effects assessment done for the previous EA
3 for the mine and winter road. Was that considered in
4 combination with the cumulative effects for this
5 project along with the project specific components --
6 or sorry, assessment for the all- season road?

7 MS. KARLA LANGLOIS: Karla Langlois,
8 with Tetra Tech.

9 Yes, we did consider them.

10 MS. ROBYN PADDISON: Thank you. Madam
11 Chair, I have one (1) more question. Robyn Paddison.

12 Are you building and operating the all-
13 season road considering your plans for closure?

14 MR. DAVID HARPLEY: David Harpley.

15 Perhaps you could illuminate a little
16 more on the question so I fully understand what answer
17 you're looking for.

18

19 (BRIEF PAUSE)

20

21 MS. ROBYN PADDISON: Robyn Paddison.

22 Are you designing and operating the
23 road with regards to your plans for closure?

24 MR. DAVID HARPLEY: It's Dave Harpley.

25 Well, as I said in the presentation

1 we've developed plans for reclamation and closure so I
2 guess the simple answer is, yes. But other things I
3 can -- that come to mind include minimizing the
4 footprint and the disturbance, like reusing borrow
5 pits for things like camps so we're not creating
6 additional disturbance.

7 Stockpiling -- stockpiling top soil and
8 other organic material, if it's available, for later
9 use. So those are the things that immediately come to
10 mind so I guess, yes.

11 MS. ROBYN PADDISON: Do you have plans
12 for -- Robyn Paddison. I really want to know.

13 Do you have plans for regle --
14 progressive reclamation through the life of the
15 project?

16 MR. DAVID HARPLEY: Dave Harpley.

17 Progressive in the sense that borrow
18 pits, once they're no longer needed, would be
19 reclaimed.

20 MS. ROBYN PADDISON: Thank you, Madam
21 Chair. Board staff have no more questions.

22 THE CHAIRPERSON: Board staff,
23 questions?

24 MR. JOHN DONIHEE: John Donihee, Madam
25 Chair. If you'd just give us one (1) moment -- one

1 (1) moment, please.

2 John Donihee. I -- I believe those are
3 all the questions, Madam Chair.

4 THE CHAIRPERSON: Okay. Questions
5 from Board members? Joe...?

6 MR. JOE HANDLEY: Joe Handley. Have
7 you done any projections or been a party to any
8 projections on the impact of the all-season road on
9 hunting and hunting pressures? And I -- I assume you
10 could do that looking at other models, other -- other
11 situations.

12

13 (BRIEF PAUSE)

14

15 MS. KARLA LANGLOIS: Hi. Karla
16 Langlois, with Tetra Tech. What we did do was we used
17 the existing statistics within the communities based
18 on the percent of people who currently hunt and fish.
19 And we used that as -- as part of our assessment to
20 indicate hunting pressures potentially along the road.

21 MR. JOE HANDLEY: Joe Handley. I
22 guess the reason I question is that -- is that, with
23 an all-season road, a public road, then there's going
24 to be hunting pressure in areas which may not have had
25 any or much hunting at all. And those areas probably

1 go up, mainly up to the caribou areas, and certainly
2 further -- further north.

3 MR. DAVID HARPLEY: It's Dave Harpley.
4 So this kind of goes to access control again, which
5 obviously is an important consideration, and it's one
6 (1) that we spent quite a bit of time on with the
7 bands. And we're hopeful that, with that access
8 control implemented, it will effectively manage that
9 hunting pressure situation.

10 And we're certainly looking for the
11 assistance of Nahanni Butte, whom we've indicated we
12 intend to employ in the crossing area and in a -- at -
13 - at a checkpoint to control that kind of access and -
14 - and use, and -- and basically to have them
15 responsible for as much as they're able to limit the
16 hunting pressure.

17 THE CHAIRPERSON: David...?

18 MR. DAVID KRUTKO: David Krutko. It
19 seemed like there's a lot of onus on the community-
20 based monitors. And I'd just like to know what type
21 of authority/autonomy will those individuals have by
22 way of enforcement? Will they have the ability and
23 are they independent from the process, or are they
24 employees, basically, of Can -- Canadian Zinc?

25 So I just want to know, will they have

1 enforcement powers? I'll use an example. If they see
2 something that they feel that it's -- it has an effect
3 either on the environment or the -- a -- a species,
4 can they intervene and basically say, We've got to
5 shut her down now, because there's something going on
6 here?

7 So will they have enforcement-type
8 powers as an environmental monitor?

9 MR. DAVID HARPLEY: Dave Harpley. The
10 monitors would be effectively employees of the
11 operation. They would have enforcement power on our
12 behalf on the leases where we have -- or as I
13 understand, will have -- authorization to control
14 access legally.

15 Beyond that, they're really monitors.
16 They don't have enforcement powers. They can
17 certainly record, and observe, and report back, and
18 that's the intention of the program. The intention of
19 the checkpoint is to deter -- to advise and deter and
20 record. But again, they don't have enforcement
21 powers.

22 But that information would be kind of
23 fed into our adaptive management process. So if -- if
24 we see an issue developing, then we're going to need
25 to work with ENR, Parks Canada, and whoever else is

1 appropriate, including the bands, to see what else we
2 can do to address the concern.

3 We did mention earlier in the week that
4 there is an initiative that potentially we can employ,
5 which is the -- the no shooting within 5 kilometres of
6 a cabin. The band is very interested in exploring
7 that.

8 And beyond that, we're working with the
9 bands and DFN to -- hopefully when we get to a point
10 of land claim settlement, that the entire corridor can
11 be basically a private designation. Then we have
12 complete control access, but, obviously, until
13 settlement occurs, we can't get to that point.

14 MR. DAVID KRUTKO: David Krutko. The
15 other question I had is: Can you tell me how many
16 caribou have been collared to date in this general
17 vicinity?

18 MR. DAVID HARPLEY: It's Dave Harpley.
19 I'll probably defer -- well, I will defer to Parks
20 Canada for the accurate number, but if I'm not
21 mistaken, it's sixteen (16).

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Excuse me, but Parks

1 Canada has their hand up. Do you have a comment in
2 regards to that, or will you be addressing that in
3 your presentation?

4 MS. ALLISON STODDART: Allison
5 Stoddart, with Parks Canada. We -- we will be
6 addressing it in our presentation, but just -- just to
7 be clear, it's -- we actually collared eighteen (18)
8 animals.

9

10 (BRIEF PAUSE)

11

12 MR. DAVID KRUTKO: David Krutko again.
13 My other question is in regards to you mentioned there
14 was traditional knowledge studies done, and it was
15 done independently. So I don't know exactly how we
16 can get -- access that information, but it is private
17 information.

18 And I -- I don't know that a lot of
19 cases, traditional knowledge is a basis from an
20 Aboriginal perspective of information. So I'm just
21 wondering that you -- you mentioned it was done in
22 regards to the Nahanni Butte Band, but was it done
23 with any other First Nations in the region?

24

25 (BRIEF PAUSE)

1 MR. DAVID HARPLEY: It's Dave Harpley.
2 So what I meant by, "independent," is that the
3 consultant was independent. And Nahanni did a fairly
4 extensive TK program that was managed by a consultant.
5 And then they provided the addendum to us with the --
6 under a confidentiality agreement, or at least a
7 summary under a CA, so that we could utilize that in
8 the past EA. And we had direct involvement between
9 the archeological investigation professional during
10 both surveys with Elders in the band.

11 In addition to that, we've recently
12 spoken to Jean Marie River regarding TK, and they --
13 they tell us that they have nothing of relevance to
14 offer. We did make contact with -- as I mentioned,
15 with LKFN previously, and got much the same answer.
16 Despite that, we're intending to engage with Elders of
17 the community, and also Metis, as it -- in our
18 formulation of the scope of work for this next impact
19 assessment that we plan to roll out. And we will also
20 be engaging ADK, from Forth Liard.

21 THE CHAIRPERSON: In regards to the
22 TK, their -- Liidlil Kue First Nation, you had your
23 hand up to respond.

24 MR. DEAN HOLMAN: Yes. Thank you,
25 Madam Chair. I'll just provide some clarification

1 from LKFN's point -- viewpoint. LKFN had on a couple
2 of -- at least one (1) letter that I can think of
3 right now. I don't have the information in front of
4 me, but it should be on the record that we had -- had
5 approached CZN to support -- or provide accommodation
6 so that we could enter into a traditional knowledge
7 study on the project area, but we didn't receive a
8 response from CZN on that.

9 And so that, in turn, has, you know,
10 that -- that's part of the reason why we were not able
11 to provide technical information in this hearing. And
12 so, you know, from our perspective, I don't -- I don't
13 agree with what Mr. Harpley is saying as a result of
14 that. And we have correspondence to -- to show them.
15 Masi.

16 MR. DAVID HARPLEY: It's Dave Harpley.
17 So the reference I made to LKFN telling us that they
18 were not concerned about the issue was in the past EA.
19 I do remember there was some discussion in the
20 cultural technical session during this EA regarding
21 this aspect, but I also do believe that LKFN did not
22 approach CZN for support for the study.

23 If they had, then we would have
24 addressed it at that point. I stand to correction,
25 but that's my recollection at this point.

1 THE CHAIRPERSON: Liidlil First
2 Nations, you have an opportunity to respond to that or
3 you could include the response in your presentation
4 later on in the day.

5 MR. DEAN HOLMAN: Thank you, Madam
6 Chair. In the -- in the -- sorry, for -- just for
7 time's sake, here, we would probably like to put it in
8 our presentation and that would allow us time to
9 locate the -- the correspondence that I speak of here.
10 Masi.

11 THE CHAIRPERSON: Questions to Board
12 members?

13 MR. DAVID KRUTKO: My question is more
14 in regards to your pit management plans, and your
15 plans, and I'd just like to get an -- general idea of
16 when are you going to have those plans ready or
17 available, at what phase of the -- the project, or
18 when, or is that going to be available too? Thanks.

19 MR. DAVID HARPLEY: It's Dave Harpley.
20 So what we have right now is a -- kind of generic
21 borrow pit management plan. That's in one (1) of the
22 documents that's on the record. And what we said is
23 that we would develop a plan for each specific pit
24 using the generic model.

25 And it's my expectation is that will be

1 done at the detailed design stage after permit issue,
2 and -- and would require approval before there's any
3 disturbance.

4 THE CHAIRPERSON: Questions, Board
5 members? Joe...?

6 MR. JOE HANDLEY: Thank you. Joe
7 Handley. Earlier this weekend, in -- in the public
8 hearing, you made reference to encouragement of
9 tourism. Can you elaborate on that a bit? I -- I
10 think that where I marked it down was the Nahanni
11 Butte where you had made the comment.

12 MR. DAVID HARPLEY: It's Dave Harpley.
13 Our -- our position on tourism is that firstly we know
14 it's a very desirable area to visit. And having said
15 that, we also have to recognize that it would be a
16 resource road, albeit with limited traffic, but given
17 that it's heavy traffic, it poses a risk.

18 So whatever happens on the road, as
19 I've mentioned earlier in the week, has to be strictly
20 con -- controlled. Having said that, we -- we're also
21 on record saying that in recognition of the nature of
22 the area and the potential for tourism in the area,
23 given that community of Nahanni Butte and the region
24 is interested in stimulating tourism, is that we're
25 willing to share the road.

1 We're willing to sit down and find a
2 way that the road could be used for other use -- uses,
3 such as tourism, provided it's done in a controlled
4 way that we can still maintain all the safeguards that
5 we've discussed and -- and mitigations we've discussed
6 as far as pro -- protection of water, the environment,
7 wildlife, and so on.

8 But beyond that we're open to the
9 discussion.

10 THE CHAIRPERSON: Questions from Board
11 members? Bertha...?

12 MS. BERTHA NORWEGIAN: Bertha
13 Norwegian. Thank you, Madam Chair. I have a question
14 regarding your document on cultural and heritage
15 resources, the commitment to do suitable archeological
16 impact assessments prior to construction involving
17 Nahanni Butte Dene Band.

18 I have a problem with the word
19 'suitable'. Suitable to me is not -- to me,
20 represents something that's not really a high-level
21 document.

22 If you're going to be doing an
23 archeological impact assessment, I would expect that
24 it would be at the highest level possible --
25 equivalent to the highest level possible of acceptance

1 in the design of your road. In the materials that you
2 collect, whether it be an assessment on arc --
3 archeological impacts, or harvesting, or population
4 growths or decline on caribou, or whatever, I would
5 expect that the information would be at the highest
6 level possible and be far more -- way above the word
7 'suitable'.

8 That is the comment that I'm making,
9 and I'm hoping that you will be able to agree that I
10 have a legitimate concern there.

11 MR. DAVID HARPLEY: It's Dave Harpley.

12 So -- so when I say "suitable" what I
13 mean is we'll -- we will develop a scope of work for
14 the program, and it will be reviewed by the
15 appropriate people at GNWT, and Parks Canada, and --
16 and through them and through the local bands, provide
17 input in terms of detail.

18 But this is not going to be any
19 superficial program. This is going to be a fairly
20 extensive survey with some direction from previous
21 modelling, and -- and the results of the archeological
22 over -- overview assessment to kind of focus the work.
23 But it will involve quite extensive investigation and
24 intrusive work along the alignment, and in the areas
25 of the borrow pits to basically assess whether there

1 are heritage resources out there.

2 And in addition to that, I've mentioned
3 the booklet to inform people, including construction
4 crews working on the alignment, and also a protection
5 plan, should anything be discovered. So I don't want
6 you to think that 'suitable' means superficial.
7 That's not the intent.

8 MS. BERTHA NORWEGIAN: Madam Chair,
9 thank you. Bertha Norwegian.

10 Thank you very much. Yes, my question
11 was -- my next question was regarding your resource
12 brochure, which I also think needs to be made
13 available pub -- publically, and also has to be at the
14 highest level possible.

15 The other concern that I have is with
16 respect to the width of the road, and your interest in
17 -- in perhaps allowing some -- or developing some kind
18 of document to allow expressions of tours in -- into
19 the area. And your road is a one (1) lane highway,
20 basically.

21 And when you're talking about your
22 payload travelling at 30 kilometres per hour to
23 perhaps fifty (50), and you're expecting tourism to
24 come into the region, tourists are not going to be
25 wanting to travel at 30 kilometres an hour, following

1 three (3) payload trucks delivering your goods to --
2 from point 'A' to point 'B'.

3 So I have concern about safety, safety
4 regarding the width of the road. I know that you're
5 going to have turn -- turnoffs perhaps every kilometre
6 or so, but that, you know, there's no indication that
7 you have barrier -- barriers along the highway where
8 the curves are going to be.

9 So I do have a lot of concerns
10 regarding that, and I'm hoping that you'll be able to
11 speak to that.

12 MR. DAVID HARPLEY: Dave Harpley.
13 Yes, we share your concerns, and -- and that's really
14 why we basically say we're open to the discussion, but
15 we want to ensure the safeguards are in place.

16 Bear in mind that our expectation is
17 that the -- the traffic would basically start each
18 morning from the mine fairly early and would go out in
19 a series of convoys. So you can imagine kind of a
20 block of trucks going -- moving down the road that are
21 somewhat predictable in terms of a time period.

22 And then they arrive at the crossing,
23 and either on the north side or the south side of the
24 crossing, they unhitch their trailer and they hitch up
25 the trailer that's bringing in supplies, or at least

1 some supplies. And then they, as a group, move back
2 along the road to the mine.

3 So there will be periods of the day
4 when parts of the road are not expected to actually
5 have hauling activity, although we will have
6 maintenance traffic periodically and monitors,
7 hopefully all with beacons of some sort or GPS
8 tracking so we know where they are.

9 It may be in this discussion of tourism
10 that we get to a situation -- and at least it's my
11 kind of feeling at this point -- that the best model
12 to consider is one where we don't have public traffic
13 on the road at all. In fact, the people that go into
14 the area go in on a bus or a minivan or something like
15 that.

16 I think this is an opportunity for --
17 again for Nahanni Butte to be involved kind of as a --
18 almost in a warden situation where they go in, in a
19 controlled fashion. And I certainly don't see it
20 being open access to the public and going at different
21 speeds.

22 I think that -- that would not be safe
23 and would not be advisable, so that's not the model I
24 have in mind at least. But, you know, we need to
25 discuss it further.

1 MS. BERTHA NORWEGIAN: Thank you very
2 much. Bertha Norwegian. No more questions.

3 THE CHAIRPERSON: Questions, Board
4 members? Yvonne...?

5 MS. YVONNE DOOLITTLE: Good morning.

6 THE CHAIRPERSON: Slow down.

7 MS. YVONNE DOOLITTLE: Yes. Yeah,
8 slow down. This is a public road, correct?

9 MR. DAVID HARPLEY: Dave Harpley.
10 Legally, it will be designated a public road other
11 than the leases, yes.

12 MS. YVONNE DOOLITTLE: Okay. So maybe
13 look at slide -- I don't remember what the slide
14 number is, but it's one (1) of your maps. Slide 11.
15 It's a picture of your caribou ranges. And I -- I
16 don't know -- yeah. So there's a good image there of
17 -- this is sort of tied to this being a public road.

18 And, you know, you referenced in your
19 question and answers about only -- or -- or in your
20 wildlife study questions, saying that people really
21 only were hunting up to around the second gap. And it
22 was likely because of -- it was hard -- it's hard to
23 access where -- where good animals that are -- to hunt
24 and eat and use are.

25 And so now building the road, don't --

1 wouldn't it be realistic to understand that people
2 will -- this picture is during fall time when animals
3 are usually -- like caribou are harvested. Wouldn't
4 it be realistic to think that people are going to go
5 and find those animals?

6 MR. DAVID HARPLEY: It's Dave Harpley.
7 The first thing I would note in regards to this area
8 is you have to travel through Nahanni National Park to
9 get there. So I think we're talking about Aboriginal
10 people, not non-Aboriginals as I -- I'm not sure they
11 would get a permit to cross the park.

12 But for Aboriginal people, I guess,
13 yes, the -- if they're determined and they're not
14 deterred by Nahanni Butte with it being their
15 traditional territory, then there's opportunity there
16 for them to go and look for caribou.

17 The other thing I'll -- I'll mention is
18 that, based on what we're seeing, if they don't want
19 to venture from the road too far, they're not likely
20 to encounter mountain caribou because we certainly
21 don't see them very frequently. If they want to
22 venture several kilometres off the alignment, then
23 potentially, yes, they might be successful.

24 MS. YVONNE DOOLITTLE: So the next
25 slide on the next page it is in the wintertime, and

1 it's a collar study, it says. And we'll find out,
2 maybe Parks will show a map, if is -- looks different,
3 but I'm looking at the -- the ar -- area to the right
4 there where going up a creek would be -- you know,
5 going -- going and hunting along in those areas for
6 caribou would be ideal with people being able to
7 skidoo.

8 So it looks like, to me, that there
9 would be a lot of hunting pressures, harvesting
10 pressures that are -- may -- you know, you -- you're
11 going to have to consider. And I know you're thinking
12 it'll all be resolve by access, but there may be other
13 challenges, especially during the operational period
14 of your mine.

15 And -- and so I'm not too sure if -- if
16 it -- if you could explain, you know, during the
17 operational period, during prime hunting time
18 seasonally, what -- what sort of things you would do
19 if you experience those types of pressures. If you
20 can give some examples of that?

21 MR. DAVID HARPLEY: It's Dave Harpley.
22 So a couple of things I'll note based on the slide
23 we're looking at. The first one (1) is we already
24 have a winter road permit. The second thing is that
25 anybody accessing this area has to cross the Liard

1 River. And in the late fall -- well, in fact, during
2 the whole period of summer and the fall, our barge
3 that allow us to cro -- cross the river is a private
4 barge and not available to somebody else, so they're
5 going to have to cross the river with their own craft.

6 And then they're going to have to
7 address getting to the road without crossing leases
8 and basically meet with Na -- Nahanni Butte folks on
9 the road and basically not take their advice that they
10 not travel on the road, not take the advice that it's
11 actually at their own risk because of the heavy
12 traffic -- well, the heavy vehicles, low density but
13 heavy vehicles.

14 So, I mean, if they really in -- intent
15 on doing all those things, then, I guess, yes, they --
16 they could potentially -- again, if they're
17 Aboriginals and they cross the park to get to this
18 area they could potentially go after the animals.

19 This map we're looking at, bear in mind
20 that those dots are the same couple of animals that
21 were collared, it's not meant to indicate that there's
22 a whole bunch of animals in that location. We -- it
23 does seem that it's a small group. I'm not exactly
24 sure how big that group is, but it's not the main
25 group.

1 So I think that's the best answer I can
2 give based on what I understand at this point.

3 THE CHAIRPERSON: Questions for Board
4 members? Sunny...?

5 MS. SUNNY MUNROE: Mr. Harpley, just
6 to go back to limited tourism.

7 Wouldn't any increase in any kind of
8 traffic change your numbers for impacts? It may be
9 limited and you may -- your discussions about access
10 control give me some comfort that there wouldn't be
11 that much, but even so, it would seem to me to
12 indicate there would a lot more pre -- or some more
13 pressure on that whole region.

14 MR. DAVID HARPLEY: Dave Harpley. I
15 guess that you could say that's true. But we have
16 indicated a range of traffic of our -- of our own, I
17 guess, on our own traffic on the road. So it's my
18 impression -- and that's obviously on a -- on a daily
19 basis.

20 So it's my impression that the kind of
21 tourist traffic we're talking about, provided it's in
22 a controlled manner and -- and the model that I
23 described in terms of it not being free-for-all,
24 basically a controlled -- like, one (1) bus or one (1)
25 minivan, I'm not expecting it to be a huge increase in

1 -- in the total volume.

2 THE CHAIRPERSON: Questions from Board
3 members? Joe...?

4 MR. JOE HANDLEY: Joe Handley. This
5 is my last question. Given that this road is -- is a
6 haul road, there -- there will be some tourism, some
7 hunting, some people just out to take pictures or
8 whatever, so is the -- extra traffic on it. You --
9 you're following the minister -- Ministry of Forestry
10 guidelines, and probably the lowest standard of a road
11 at 5 metres wide.

12 Can you just elaborate a bit on your --
13 your rationale of why you feel that's a -- a safe
14 enough standard, given the -- the other traffic that's
15 going to be using that road as well?

16 MR. DAVID HARPLEY: It's Dave Harpley.
17 I don't know that I would feel competent to talk about
18 road standard given that I'm not a road engineer. I -
19 - I do, however, think that it's certainly not a
20 minimum standard. We wouldn't have designed something
21 to a minimum standard.

22 Certainly, there's a possibility of
23 additional traffic on the road, and -- which is why
24 we're discussing all these various access controls and
25 monitoring, so we know peop -- where people are, and

1 plan accordingly. But beyond that, in terms of road
2 design, I think we should rather get a professional's
3 input than my speculation.

4 THE CHAIRPERSON: Okay. Thank you,
5 Canadian Zinc for your response. What we'd like to do
6 right now, then, is call a ten (10) minute break and
7 come back with Parks Canada.

8

9 --- Upon recessing at 10:25 a.m.

10 --- Upon resuming at 10:55 a.m.

11

12 THE CHAIRPERSON: Okay. Our next
13 presentation is from Parks Canada. Welcome to the
14 tables.

15

16 (BRIEF PAUSE)

17

18 PRESENTATION BY PARKS CANADA:

19 MS. ALLISON STODDART: Thank you,
20 Madam Chair. Allison Stoddart, with Parks Canada.

21 So today we will be presenting on the
22 following subjects -- oops, here we go. So first
23 we'll start with wildlife, including birds and species
24 at risk. We'll then move to closure and reclamation,
25 and at the end, we'll talk about culturis -- cultural

1 and heritage resources.

2

3 (BRIEF PAUSE)

4

5 MS. ALLISON STODDART: So we'll start
6 with woodland caribou, the northern mountain
7 population. The first thing we'd like to do is just
8 make a note that in our technical report, we
9 incorrectly identified this caribou population as a
10 COSEWIC listed only species. And as we've discussed
11 today, and is present on our -- on our slide, this is
12 a species of special concern on Schedule 1 of the
13 Species at Risk Act.

14 Canadian Zinc has indicated that
15 potential disturbance-related effects on the northern
16 mountain population of woodland caribou are low, and
17 that the project area is outside the defined species
18 range, and well outside known calving and wintering
19 areas for caribou.

20 To further Parks Canada's understanding
21 of caribou use in the project area, Parks Canada
22 collared eighteen (18) female caribou in the vicinity
23 of the mine and the proposed all-season road in both
24 February and December of 2015.

25 Based on the results of this data, the

1 majority spent part of the year in the Prairie Creek
2 valley, and migrated northwest in the summer. Three
3 (3) of these caribou, which is 17 percent, crossed the
4 road, and two (2) spent the entire year in close
5 proximity to the project area, including crossing the
6 proposed road multiple times.

7 Their movement pattern supports the
8 idea that they're -- that they may comprise a small
9 sedentary population. It is unknown at this time how
10 many caribou may be part of this localized group.

11 Additional information on the sedentary
12 and migratory caribou within the study area is being
13 gathered, as well, through genetic analysis. Results
14 to date have indicated that caribou within the study
15 area belong to the Redstone herd, and that the
16 sedentary animals may comprise a genetically distinct
17 subgroup.

18 We would like to note for the Board
19 that Parks Canada provided both the raw collaring
20 data, as well as our preliminary analysis of this
21 data, to Canadian Zinc in March of this year. Parks
22 Canada's preliminary analysis of this data provides a
23 -- a somewhat different picture than the analysis done
24 by Canadian Zinc. However, I think we can agree that
25 the data is indicating that there are mountain caribou

1 that have crossed the road alignment, and that there
2 are animals that spend the entire year in close
3 proximity to the road.

4 Parks Canada would also like to point
5 out to the Board that the official species range map
6 for northern mountain caribou, which Canadian Zinc
7 presented, did not include Parks Canada's collaring
8 data. As a result, it is out of date.

9 From Parks Canada's perspective, the
10 use of the project area by caribou is considered to be
11 important, which is supported by our analysis of the
12 collar data gathered to date. Parks Canada also
13 believes that the project could have an adverse impact
14 on the species, such as avoidance of the road
15 resulting in fragmentation, loss of habitat
16 effectiveness, noise disturbances, increase in
17 predation risk, and direct mortality.

18 The northern mountain population of
19 woodland caribou, as I've mentioned, is a listed
20 species of special concern on Schedule 1 of the
21 Species at Risk Act with known occurrences in the
22 project area, and there's the potential for an adverse
23 effect on the species as a result of the project.

24 Section 79 of the Species at Risk Act
25 requires us to identify adverse effects of the project

1 on the species, and ensure that measures are taken to
2 avoid, lessen effects, and to monitor them. As a
3 result, Puks -- Parks Canada has recommended the
4 development of a systematic monitoring program to
5 address potential impacts to the local caribou
6 population from the all-season road.

7

8 (BRIEF PAUSE)

9

10 MS. ALLISON STODDART: With regards to
11 collared pika, there are potential impacts from the
12 proposed project to collared pika, which is also a
13 species of special concern on Schedule 1 of the
14 Species at Risk Act.

15 Parks Canada has recommended that
16 Canadian Zinc survey the road alignment and the
17 proposed borrow sources from approximately kilometre
18 12 to thirty-nine (39) to determine species presence,
19 distribution, and relative abundance.

20 Canadian Zinc has committed to
21 conducting presence/absence surveys for pika within
22 this area. However, Canadian Zinc's proposed surveys
23 only allow detection of change and distribution, and
24 do not provide adequate information to detect changes
25 in population. As a result, Parks Canada believes

1 this type of survey will not provide adequate baseline
2 information to inform the mitigations and monitoring
3 required.

4 Canadian Zinc has proposed mitigations
5 to reduce potential impacts to wildlife. Parks Canada
6 supports the implementation of these mitigations as
7 they may -- as they may help to reduce impacts to
8 collared pika. However, additional specific
9 mitigations to reduce the significance of impacts may
10 be required depending on the life cycle and
11 distribution of the species.

12 Parks Canada, as a result, recommends
13 that Canadian Zinc survey the road alignment and the
14 proposed borrow sources from approximately kilometre
15 12 to thirty-nine (39) to determine the species'
16 presence, distribution, and relative abundance of
17 collared pika.

18 Following the survey, Canadian Zinc
19 shall provide an updated effects assessment on
20 collared pika, and develop a systematic monitoring
21 program. This baseline survey must be completed prior
22 to permitting.

23 In Parks Canada's technical report, we
24 outlined that there were significant gaps remaining in
25 the current baseline for birds, and that without it,

1 it would not be possible to assess the potential
2 impacts. Parks Canada is pleased to see that Canadian
3 Zinc is working towards the collection of this
4 baseline information within this field season.

5 Parks Canada is working closely with
6 Canadian Zinc and Environment Canada in the design of
7 a baseline study, and will continue to collaborate on
8 the development of the program. In addition to the
9 baseline work, Parks Canada has recommended that
10 Canadian Zinc update their effects assessment and
11 develop -- and develop an adaptive management program.

12

13 (BRIEF PAUSE)

14

15 MS. ALLISON STODDART: With regards to
16 closure and reclamation, achieving reclamation
17 objectives requires measurable targets and timelines
18 and an adaptive management approach as part of
19 monitoring.

20 In our technical report, Parks Canada
21 recommended that Canadian Zinc provide detailed
22 reclamation plans by vegetation and terrain type to
23 demonstrate that the ground stabilization and
24 vegetation to restore or maintain ecological integrity
25 will be implemented in a timely manner that meets

1 Parks Canada's standards and industry-accepted best
2 practices. Parks Canada also recommended a number of
3 the details that should be included in those plans.

4 Parks Canada appreciates that Canadian
5 Zinc has committed to preparing reclamation plans as
6 per Parks Canada's recommendation. This is captured
7 in a draft commitment in response to our technical
8 report.

9 Parks Canada notes that Canadian Zinc
10 has indicated in their response to our technical
11 report that restoration will occur by natural
12 revegetation supplemented with local seeds and
13 cuttings, whereas previous commitments specify that
14 natural revegetation was the sole method.

15 Parks Canada would just like to clarify
16 that natural revegetation is one (1) type of
17 restoration method. However, this meth -- this method
18 will not necessarily be effective for all vegetation
19 and terrain types.

20 It is Parks Canada's expectation that
21 restoration methods will follow Parks Canada's
22 standards and industry-accepted best practices as
23 committed to by Canadian Zinc, including the use of
24 local seeds and cuttings.

25

1 (BRIEF PAUSE)

2

3 MS. ALLISON STODDART: With regards to
4 cultural and heritage resources, Parks Canada is
5 pleased to see that Canadian Zinc has committed to
6 Parks Canada's recommendation -- recommendations with
7 regards to the archaeological impact assessment.
8 Parks Canada would like to indicate that we agree with
9 Canadian Zinc that the timing of the AIA can occur in
10 the regulatory phase prior to construction.

11 That concludes our presentation for
12 today. Thank you very much.

13

14 QUESTION PERIOD:

15 THE CHAIRPERSON: Thank you.
16 Questions to Parks Canada's presentation, Dehcho First
17 Nations?

18 MS. CARRIE BRENEMAN: Carrie Breneman,
19 Dehcho First Nations.

20 Could you just clarify the total
21 population of the Redstone caribou herd?

22 MR. DOUGLAS TATE: The best
23 information we have -- oh, sorry. Doug Tate, Parks
24 Canada.

25 The best information that we have is

1 from the management plan for that population, which
2 states between five (5) and ten thousand (10,000)
3 animals. In my understanding, the last survey was
4 1997, and it's a low confidence in the estimate, but
5 that's the best information.

6 MS. CARRIE BRENEMAN: Carrie Breneman,
7 Dehcho First Nations.

8 So the Redstone caribou herd is about
9 five (5) to ten thousand (10,000) animals.
10 Approximately how many caribou did you collar in your
11 collaring study?

12 MR. DOUGLAS TATE: Doug Tate, Parks
13 Canada. There was eighteen (18) total.

14 MS. CARRIE BRENEMAN: Carrie Breneman,
15 Dehcho First Nations.

16 And of the eighteen (18) that were
17 collared, I think in -- in your presentation, did you
18 say that three (3) -- two (2) or three (3) were in
19 close proximity to the road?

20 MR. DOUGLAS TATE: That's correct.
21 There were two (2) animals that spent the -- the
22 entire time that they're -- that we have information
23 on them in fairly close proximity to the road. There
24 were three (3) that actually were known to cross the
25 road. Doug Tate, Parks Canada, sorry.

1 MS. CARRIE BRENEMAN: Carrie Breneman,
2 Dehcho First Nation. So just a quick estimate.

3 So if three (3) are known to be out of
4 the road out a total of eighteen (18) collared, that's
5 approximately 17 percent?

6 MR. DOUGLAS TATE: Doug Tate, Parks
7 Canada. Yes.

8 MS. CARRIE BRENEMAN: Carrie Breneman,
9 Dehcho First Nations.

10 And so then for the two (2) caribou
11 that are in close proximity to the road, that means
12 that they were spending, you know, their entire year
13 there, so they were in rut there, they were calving
14 there, they were spending kind of their whole of the
15 life cycle of the -- the time that you -- that they
16 were collared?

17 MR. DOUGLAS TATE: Doug Tate, Parks
18 Canada.

19 The -- yes, there were two (2) that
20 spent the entire time that they were collared within
21 what we consider close proximity to the road. The one
22 (1) first or section slide in our presentation there
23 showed the range map for one (1) of those individuals.

24 MS. CARRIE BRENEMAN: Carrie Breneman,
25 Dehcho First Nations.

1 Oh, so you know that two (2) or three
2 (3) out of the eighteen (18) were either near the road
3 the whole year or -- and one (1) was kind of in and
4 out of the road. Do you have any estimated --
5 estimation of kind of what percentage of that five (5)
6 to ten thousand (10,000) animals are in close
7 proximity to the road or is it kind of difficult to
8 elaborate on that?

9 MR. DOUGLAS TATE: Doug Tate, Parks
10 Canada. We -- no, we -- we don't know.

11 We agree that the majority of the
12 animals do seem to be north and west of the mine, but
13 there were a number that we consider to be significant
14 that stayed fairly close to the -- the area.

15 MS. CARRIE BRENEMAN: Carrie Breneman,
16 Dehcho First Nations.

17 Could you just go into a bit more
18 detail of -- of what you kind of consider to be the --
19 the project-related effects on -- on caribou that are
20 crossing the road? You know, in Canadian Zinc's
21 document they mention vehicle collisions.

22 Are -- are there other things that you
23 think might be affecting caribou other than -- than
24 vehicle collisions?

25 MR. DOUGLAS TATE: Doug Tate, Parks

1 Canada. Yes. Studies of other roads in caribou
2 habitat have shown multiple different effects.
3 There's potential for direct mortality from
4 collisions, but a lot of caribou have been shown to
5 avoid roads, including active roads, and sometimes
6 even after they are -- they are not active, depending
7 on the -- the amount of use.

8 I believe there was a study on the
9 Dempster Highway that showed into, like, 20 to 30
10 kilometres to avoidance, but usually it's -- it's less
11 than that.

12 MS. CARRIE BRENEMAN: Carrie Breneman,
13 Dehcho First Nations.

14 There was a bit of talk of access
15 management this morning. What are some of the access
16 management requirements going in -- into the park? Do
17 you have the ability to -- to deny access to the Park,
18 or -- or how does that work separate from what the
19 proponent's proposing?

20 MR. JONATHAN TSETSO: Jonathan Tsetso,
21 Parks Canada.

22 So in -- when this road is constructed
23 and in place the -- the company or any contractors or
24 anybody using that road would require a permit for --
25 for access. So we do have processes to ensure that

1 access on that road is conducted in line with the
2 permit conditions, and that would not necessarily
3 apply to local indigenous traditional harvesters.

4 MS. CARRIE BRENEMAN: Carrie Breneman,
5 Dehcho First Nations.

6 Does Parks Canada have any plans for
7 any future collaring programs, or any future
8 monitoring programs outside what the proponent is
9 proposing?

10

11 (BRIEF PAUSE)

12

13 MR. DOUGLAS TATE: Doug Tate, Parks
14 Canada.

15 At this time we have no plans for
16 additional collaring. There -- the -- the collars
17 that are out there still have probably a year or so of
18 -- of life, depending when they were deployed, so we
19 will continue to -- to collect that data. We hope to
20 do some -- possibly some small scale aerial surveys or
21 -- or pellet collection in association with the --
22 with -- with the collars that are out there.

23 MS. CARRIE BRENEMAN: Carrie Breneman,
24 Dehcho First Nations.

25 You can correct me with -- if I'm wrong

1 on this, but my understanding is that with development
2 processes, whether it's this project, or diamond
3 mines, or any other road process, it's usually the
4 responsibility of the proponent to deal with project-
5 related effects.

6 You have suggested that Canadian Zinc
7 should do aerial surveys. How -- oh, sorry, I should
8 back up. So it's the responsibility of the proponent
9 to deal with project-related effects and typically
10 there's mitigation, and monitoring, and adaptive
11 management associated with that.

12 How -- how do aerial surveys kind of
13 address -- how are they -- how is that monitoring type
14 kind of going to be used to address project related
15 effects?

16

17 (BRIEF PAUSE)

18

19 MR. DOUGLAS TATE: Doug Tate, Parks
20 Canada.

21 Yes, it is our understanding that it's
22 the proponent's responsibility to do monitoring
23 related to project impacts. With regards to the type
24 of monitoring, we did recommend aerial surveys in part
25 because in discussions with the Yukon government that

1 is their standard for population surveys for mountain
2 caribou.

3 My understanding is that the GNWT's,
4 their focus on caribou management is primarily on
5 boreal caribou and barren-ground caribou. Not to say
6 that they're not interested, but the -- the majority
7 of their survey work focuses on those groups and not
8 on the mountain.

9 So that was a reason for suggesting
10 aerial surveys as -- as one (1) approach. We are open
11 to other -- other possibilities. We actually thought
12 that an aerial survey approach might be less expensive
13 than trying to do camera trap surveys, but I guess
14 we're of the opinion that simply recording the number
15 of caribou seen by drivers was not adequate in terms
16 of -- of monitoring.

17 MS. CARRIE BRENNEMAN: Carrie Breneman,
18 Dehcho First Nations. We have no further questions.

19 THE CHAIRPERSON: Questions to the
20 presentation, Environment and Climate Change Canada?

21 MR. BRADLEY SUMMERFIELD: Thank you,
22 Madam Chair, Bradley Summerfield, with Environment and
23 Climate Change Canada. We don't have any questions.

24 THE CHAIRPERSON: Questions, Fisheries
25 and Oceans Canada?

1 MS. VERONIQUE D'AMOURS GAUTHIER:

2 Thank you, Madam Chair. Veronique D'Amours Gauthier,
3 with Fisheries and Oceans Canada.

4 We don't have any question.

5 THE CHAIRPERSON: Questions,
6 Government of the Northwest Territories?

7 MS. LORRAINE SEALE: Thank you.

8 Lorraine Seale, GNWT. We have no questions.

9 THE CHAIRPERSON: Questions indigenous
10 and Northern Affairs Canada?

11 MS. MAUREEN FLAGLER: Thank you, Madam
12 Chairperson. Maureen Flagler, Indigenous and Northern
13 Affairs Canada, we have no questions.

14 THE CHAIRPERSON: Questions, Liidlii
15 Kue First Nations?

16 MS. MAGNOLIA UNKA-WOOL: Magnolia
17 Unka-Wool, with LKFN. We have no questions at this
18 time. Thank you.

19 THE CHAIRPERSON: Questions, Nahanni
20 Butte Dene Band? And I think they're still caucusing
21 in the back.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Please, let them

1 know that I called them.

2

3 (BRIEF PAUSE)

4

5 THE CHAIRPERSON: I think they're just
6 going to check with them to see if they -- if they're
7 going -- if someone wants to make a statement. One
8 (1) moment.

9

10 (BRIEF PAUSE)

11

12 MS. STACEY MENZIES: It's Stacey
13 Menzies, with the Review Board. I just have
14 authorization from the lawyer with Nahanni Band Dene
15 that they have no questions.

16 THE CHAIRPERSON: Thank you.
17 Questions, Natural Resource Canada?

18 MS. VICTORIA THOMAS: Victoria Thomas,
19 with Natural Resources Canada. We have no questions.
20 Thank you.

21 THE CHAIRPERSON: Questions, Canadian
22 Zinc?

23 MR. DAVID HARPLEY: It's Dave Harpley.
24 So in your presentation you referred to
25 the monitoring of collared pika and the bird survey,

1 and then to be followed by a revised effects --
2 effects assessment, which presumably would then lead
3 to review of mitigation steps.

4 I'm just wondering whether that's an
5 appropriate process given that to my way of thinking
6 effects assessment is what we do now in EA, and I -- I
7 mean, I don't think we have a problem with monitoring
8 and then based on those results considering what other
9 measures and mitigations are required.

10 I'm just not sure it's worthwhile or
11 useful to do a revised effects assessment. I'm just
12 wondering if you had a comment on that.

13 MS. ALLISON STODDART: Allison
14 Stoddart, with Parks Canada.

15 Yes. So essentially, Parks Canada is
16 looking at ensuring the baseline data is used in -- in
17 identifying if there's any additional effects and --
18 but the ultimate goal of course is to ensure that any
19 additional mitigations that are required are -- are
20 put in place, you know, and that -- that might in some
21 cases include avoidance.

22 So, you know, it's -- so I mean I guess
23 at this point it's sort of semantics around how we're
24 going to get there, but that -- that is our ultimate
25 goal.

1 MR. DAVID HARPLEY: Dave Harpley.

2 Thanks for that.

3 Just to comment, or -- regarding the
4 monitoring along the road. You mentioned that you
5 felt that observations by drivers only wasn't adequate
6 for mountain caribou. So just a clarification that it
7 wouldn't only be drivers. It would be basically
8 anybody along the road, which would include
9 maintenance crews, and specifically the environmental
10 monitors that we're already planning to engage.

11

12 (BRIEF PAUSE)

13

14 MR. DOUGLAS TATE: Doug Tate, Parks
15 Canada.

16 No, I -- I understand that there would
17 be more than just the -- like the -- the haul drivers
18 but still just observations of -- of any vehicle
19 drivers along the road is not really a structured,
20 systematic survey.

21

22 (BRIEF PAUSE)

23

24 MS. KARLA LANGLOIS: Hi. Karla
25 Langlois, Tetra Tech.

1 Can I just, please, ask for a little
2 bit of clarification? I think in your presentation
3 you referred to -- with regards to mountain caribou
4 that there could be adverse effects to the species.
5 So can you give me more clarification with regards to
6 the 'species' part?

7 Are you talking at -- at the herd
8 level? Are you talking at a local level? Just a
9 little bit more clarification, please.

10 MR. DOUGLAS TATE: Doug Tate, Parks
11 Canada. Yeah, we were referring to local population
12 level, which is I believe what the wording in the
13 terms of reference is.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: No further
18 questions, Can Zinc?

19 MR. DAVID HARPLEY: Dave Harpley. No,
20 thank you.

21 THE CHAIRPERSON: Questions from Board
22 staff?

23 MS. KATE MANSFIELD: Kate Mansfield,
24 Review Board. Could Parks Canada please indicate,
25 based on your interpretation of the Species At Risk

1 Act, if adverse effects at a local level would be
2 considered significant?

3

4 (BRIEF PAUSE)

5

6 MS. ALLISON STODDART: Allison
7 Stoddart, with Parks Canada.

8 I think at this point Parks Canada is
9 not comfortable indicating whether or not, you know,
10 an adverse impact in this situation would be a
11 significant effect. At this point, all -- from --
12 from the data that we have we -- all we know is that
13 there is a potential for an adverse effect. And --
14 and, at this point, I think that's all we can say.

15

16 (BRIEF PAUSE)

17

18 MS. ROBYN PADDISON: Robyn Paddison,
19 Review Board.

20 Do you have the authority to review and
21 approve archeological impact assessment plans prior to
22 construction within Nahanni National Park Reserve?

23 MS. ALLISON STODDART: Allison
24 Stoddart, with Parks Canada. Yes, we do.

25

1 (BRIEF PAUSE)

2

3 MS. KATE MANSFIELD: Kate Mansfield,
4 with the Review Board. I'm -- sorry, I'm jumping back
5 to SARA species again for a second.

6 Parks Canada indicated that additional
7 baseline information for birds and avian species at
8 risk must be collected specifically prior to permits
9 being issued.

10 Can Zinc has agreed to do additional
11 baseline data collection and to working
12 collaboratively with Parks Canada and Environment
13 Canada -- Environment Climate Change Canada on the
14 development of this program; however, parties have
15 expressed different views on when this baseline
16 information needs to be collected.

17 Does Parks Canada believe that the
18 timing of baseline data collection for birds relates
19 directly to the prevention of significant adverse
20 effects or the fulfilment or requirements under SARA
21 and, if so, how?

22 MS. ALLISON STODDART: Allison
23 Stoddart, with Parks Canada.

24 So just to clarify, there may have been
25 a discrepancy in terms of timing for the collection of

1 that baseline information within our technical
2 reports. However, Canadian Zinc has now -- we are now
3 working directly with Canadian Zinc and Environment
4 Canada to -- for them to undertake the -- the baseline
5 survey this -- this spring.

6 So -- so, in a sense, that -- you know,
7 we -- we no longer have a conflict in terms of when
8 that baseline needs to be collected. With regards to
9 evaluating whether or not there is a significant
10 environmental effect as it relates to the MVRMA or to
11 identify whether or not there is an adverse effects on
12 a species at risk, I think the collection of this
13 baseline data could definitely speak to both of those
14 requirements. Thank you.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Legal counsel...?

19 MR. JOHN DONIHEE: Thank you, Madam
20 Chair. It's John Donihee, Board counsel.

21 In response to my colleague's question
22 about caribou and the Species At Risk Act, and in --
23 in particular with respect to questions of
24 significance, you indicated that you weren't
25 comfortable or it's too soon to make those sorts of

1 conclusions in respect of the caribou. So I just --
2 hopefully we can get this done with one (1) question.

3 There are somewhere thirty-three (33)
4 measures identified in the Parks Canada technical
5 report. I believe I have that number right, thirty-
6 three (33). In the Review Board's process, as I'm
7 sure you know, there's a requirement that there be the
8 likelihood of a significant adverse environmental
9 impact before the Board has the authority to recommend
10 a measure.

11 Your technical report of course is --
12 is your evidence to the Board in this proceeding, and
13 I really would like Parks Canada to advise the Board
14 whether, in your opinion, there will be significant
15 impacts resulting from the proposed all-season road.

16 And if we have to, we can -- we can
17 parse our way through the -- the measures, although
18 I'm -- I'm quite content for -- if you give us a
19 general answer, that's good, or we can go through and
20 talk about wildlife and archaeology and the things
21 that are on the -- the list for today.

22 But in a more general sense, the -- the
23 real question for the Review Board is: Are you asking
24 them to impose those measures, or are you in fact
25 simply telling the Review Board that Parks Canada is

1 going to use its authorities under the Parks Act or
2 the Species at Risk Act to ensure that these things
3 are done?

4

5 (BRIEF PAUSE)

6

7 MS. ALLISON STODDART: So in our
8 technical report we identified measures in areas where
9 we thought there was a potential for significant
10 environmental effects and the intention of our
11 measures was -- was essentially to indicate that if
12 these measures were put in place Parks Canada would
13 feel -- feel comfortable that those -- the potential
14 for significant environmental effects would be
15 mitigated through the implementation of our measures.

16 Now, there are, of course, a number of
17 measures asking for the implementation of baseline and
18 then there is, following that, there are other
19 measures that follow-up from that baseline such as
20 assessing effects and providing additional mitigations
21 and such so there's a bit of a stepped approach in
22 those but, essentially, I think the intent was that
23 the Board provide those measures in their report to
24 give assurance that -- that there would not be
25 significant environmental effects.

1

2

(BRIEF PAUSE)

3

4

MS. ALLISON STODDART: Since that time
Board staff has given a bit of direction in terms of
what you would like to see with regards to whether or
not the Board should be implementing a measure and why
and we will endeavour to provide, you know, additional
information within our closing statement to support
our reasoning behind why we feel the measure is
necessary.

12

MR. JOHN DONIHEE: I would simply say
that -- thank -- thank you for -- for the answer. I -
- I would say that your -- the way you've explained
your technical report leaves the Board in -- sorry.
Not feedback; it's an airplane.

17

You've -- you've left the Board in
pretty much the same situation as your colleagues from
the Department of Fisheries and Oceans. You have
clear and -- and very strong legal authorities with
respect to, you know, the -- both the reg -- the
regulation, I guess, of the activity within the Park
and -- and the control really of the activities of
others within the Park, as well.

25

So the -- the difficulty that I -- I

1 need to point out for you is that the -- the test in
2 the -- in the Mackenzie Valley Resource Management Act
3 is that the Board needs to be able to conclude that
4 there will likely be a significant adverse impact.
5 And so suffice it to say that that requires evidence,
6 and although we will -- and I'll come to your -- your
7 offer to address it in closing in a moment, but
8 argument by itself is simply not evidence, and -- and
9 it's not necessarily going to help us.

10 It may -- it may be able to distinguish
11 the spots that you think something needs to be done,
12 and -- and consider your -- that the evidence is on
13 the record to support it but -- but at the end of the
14 day you don't win the game in the argument. You win
15 the game by putting evidence in front of the Board.

16 So having -- having said that, I wonder
17 then in your final argument if you would go through
18 your measures and identify the ones that from Parks
19 Canada's perspective you feel there's sufficient
20 evidence for you to be able to say that there will
21 likely be a significant adverse impact. That --
22 that's what we need from you.

23 And I -- I do want to say that your
24 reasonable worst case environmental impact that we
25 talked about yesterday simply doesn't pass muster when

1 we compare that language to the legal test that's in
2 the legislation.

3 So we need to know where it is that
4 Parks Canada feels that there is a likelihood based on
5 the evidence on the record now that there will be a
6 significant adverse impact on the environment, and for
7 those measures that you've referred to that simply
8 were intending to encourage Canadian Zinc to improve
9 baseline, I suggest they're -- they're not what --
10 that's not what the Review Board would be calling a
11 measure in a report of environmental assessment.

12 So I apologize for taking so long to --
13 to get to the question but I -- I did -- I think it's
14 very important that you understand what the Review
15 Board needs from you if you have any hopes of getting
16 it. And so on that basis, I would simply ask you to
17 advise -- commit to the Board, I suppose, that in your
18 final argument you will go through your list of
19 measures, identify any of them where Parks Canada
20 feels that there is a likelihood of a significant
21 adverse environmental impact, and then explain that.

22 Explain that by reference to the
23 evidence that you've produced or that others may have
24 produced, Canadian Zinc prime -- prime among them, and
25 that -- and that way the Review Board will be able to

1 respond to the hearing submissions and technical
2 report made by Canadian Zinc -- I apologize, Parks
3 Canada.

4 So will -- will you simply confirm to
5 the Board that you will do that in your closing
6 argument, please?

7 MS. ALLISON STODDART: Allison
8 Stoddart, with Parks Canada.

9 Yes, we can -- we can definitely do
10 that. However, I -- I do perhaps have a clarification
11 that -- that I would love to have answered. We have
12 asked for baseline -- it's not additional baseline.
13 In many cases, it's the baseline that we would be
14 basing our -- our assumptions or effects assessment
15 on, or -- or let me put it in the terms of the Board.

16 We'd be basing our -- our determination
17 of whether or not there's a significant effect.
18 Without that baseline, it's difficult to do that. So
19 when we've asked for baseline, it's for the purpose of
20 determining whether or not there's a significant
21 effect. It's not just additional baseline that we're
22 asking for.

23 So -- so I'd just like to reiterate
24 that -- that, yes, of course, we can go through our
25 measures and identify those that we think there could

1 be a potential for significance and why, and what the
2 evidence would be.

3 But in cases where we don't have any
4 information, that makes it very difficult to do. And
5 that's why we've asked for the baseline. And so I
6 guess we're in a situation where we don't know where
7 else to ask in terms of getting the baseline.

8 Now, as -- as you've seen with -- with
9 regards to our presentations, many of the areas where
10 we've been asking for baseline, we're -- we're getting
11 much closer to that point with Canadian Zinc. And
12 we've been working very closely with them over the
13 last few months in particular to -- to ensure that
14 these studies are -- are put in place. But that --
15 that is why we're asking for it. Thank you.

16

17 (BRIEF PAUSE)

18

19 MR. JOHN DONIHEE: Thank you, Madam
20 Chair. It's John Donihee again.

21 Thank you. I -- I do appreciate the
22 difficulties that you're confronting in the absence of
23 information. And of course, it -- it's fair to say
24 that predictions of -- of impact, as I indicated to
25 you, rely on sufficient evidence to provide you with a

1 foundation. I -- I would simply comment that
2 predictions that there will be no impact can suffer
3 from the same frailties.

4 In respect of situations where there
5 may be a lack of baseline and -- and you've had a
6 difficult time, then, dealing with the question of
7 meeting that legal test of likelihood, it would help
8 the -- the Board in those cases where you've agreed
9 that there will be management plans in place -- or
10 put into place that can be worked out collaboratively
11 with our friends from Canadian Zinc, that those --
12 that the outlines for those plans be provided to the
13 Board, and in particular, that it -- it be indicated
14 that these plans are adaptive.

15 They're based around adaptive
16 management approaches so that there can be some
17 comfort on all sides that, even though we may not know
18 everything right now, that there's a framework in
19 place for the -- the parties to work together to
20 ensure that the effects of the project are -- are
21 managed adaptively going forward.

22 So I -- I -- that -- that's
23 unfortunately just a comment. I don't -- unless you
24 want to respond to it, I'd be very -- very -- I'd --
25 I'd welcome a response if you have one.

1 THE CHAIRPERSON: Okay. I think Can
2 Zinc has a comment, and I could come back to Parks.

3 MR. DAVID HARPLEY: It's Dave Harpley.
4 Thank you. Yeah, just a comment. Of -- of the areas
5 of baseline data that are -- that are under
6 discussion, the only one I can think of where there
7 isn't existing baseline data, or at least there would
8 be a presumption that there's no existing baseline
9 data, is with respect to avian species.

10 And just a comment that, in our
11 assessment, we basically assumed the species, or the
12 likely species, that might be present actually are
13 present, and we've -- we've mitigated appropriately.

14 So what we're talking about is a survey
15 to kind of confirm what's there in -- in a way as a
16 check on surprises that may exist in terms of
17 distribution or -- or the actual species that are
18 there. And if we find things that we don't expect,
19 then we can make some adjustment.

20 So to my mind, it comes down to Where
21 do you draw the line as to what amount of work you do
22 for -- for all types of species to move forward? And
23 I guess we -- we drew the line in this case of not
24 expecting there to be something unlikely and just
25 assuming they're there and -- and developing our --

1 our mitigation plans accordingly.

2 THE CHAIRPERSON: Legal counsel...?

3 MR. JOHN DONIHEE: Thank you, Madam

4 Chair. That's the end of that line of questioning. I

5 -- I have one (1) other matter I'd like to explore

6 with our friends from Parks Canada.

7 In -- in their submissions, which we'll

8 be hearing about shortly, the Government of Northwest

9 Territories indicates that they have a -- a wildlife

10 management and monitoring plan or program, which has

11 been developed collaboratively with Canadian Zinc, the

12 acronym WMMP, or WMMP -- WMMP.

13 And there's provision in the NWT

14 Wildlife Act for -- for such things. I'm -- I'm just

15 wondering if you can tell us, because the, you know,

16 the animals, of course, don't really see the boundary

17 line between the park and -- and I suppose the

18 territorial lands, and they may move back and forth,

19 it -- it's possible that, you know, a -- at WMMP for

20 one (1) species, you know, that's only developed --

21 there's a jurisdictional problem that I'm trying to --

22 to get to that, you know, the GNWT can only have a

23 WMMP for the areas that they're responsible for and

24 the animals that they're responsible for.

25 Like -- likewise, Parks Canada,

1 although, I -- I suppose a moose inside the park is
2 managed by Parks Canada and not GNWT. So the question
3 I'm trying to get to is: Have you had any discussions
4 with GNWT about trying to coordinate the wildlife
5 monitoring planning that's proposed by Parks Canada,
6 and, you know, are -- are -- is it reasonable for the
7 Board to assume that there'll be a -- a seamless
8 approach to monitoring these species that may move
9 back and forth so that there aren't management
10 difficulties that result simply because of where the
11 animal happens to be on the map?

12

13 (BRIEF PAUSE)

14

15 MR. JONATHAN TSETSO: Jonathan Tsetso,
16 Parks Canada. Yeah, you raise a good point. Thinking
17 back to when we were going through the -- the process
18 for permitting the winter road, the -- the Land and
19 Water Board had that requirement for a WMMP. So we do
20 have a MOU with them, and we do work closely with them
21 in approval of the WMMP and -- and a number of other
22 plans.

23 You do make a good point, that, you
24 know, we have this -- this boundary there that perhaps
25 wildlife don't see. And from our perspective, we've

1 made commitments to ensure that, you know, there's as
2 much similarity between those plans as possible. So
3 there -- that then infers there's a requirement for
4 collaboration.

5 But we -- we do also have to, in that
6 process, recognize that we have our own jurisdictional
7 responsibilities.

8 MR. JOHN DONIHEE: Thank you very much
9 for that answer, sir. Madam Chair, I don't have any
10 other questions.

11 THE CHAIRPERSON: Questions from Board
12 staff? Questions from Board members?

13 MR. DAVID KRUTKO: David Krutko. My
14 question is, how long have you been collecting the
15 baseline data in regards to the screen that's on the
16 slide there, and how many years have you been
17 collecting that data?

18 MR. DOUGLAS TATE: Doug Tate, Parks
19 Canada. Yeah, the animals that were collared in the -
20 - in the project area were in February of 2015, and
21 then some additional animals in December of 2015.

22 MR. DAVID KRUTKO: So you -- your
23 program has been only in place for two (2) years?

24 MR. DOUGLAS TATE: Doug Tate, Parks
25 Canada.

1 Yes, that's correct.

2 MR. DAVID KRUTKO: David Krutko.

3 So that from the map that's on the wall
4 -- or on the screen basically tells me that the
5 woodland caribou seem to winter in the valleys, and
6 they go into highlands in the -- the summer months,
7 usually for calving or rutting purposes, and also
8 because of insects and predators.

9 So I'm just wondering from that
10 diagram, that you tell me, So that caribou migrate
11 from the lowlands to the highlands, and they winter in
12 the -- in the lowlands and they summer in the -- in
13 the highlands. Is that what -- what's that map
14 telling me?

15 MR. DOUGLAS TATE: Doug Tate, Parks
16 Canada.

17 Just to clarify, that's just the home
18 range of one (1) individual caribou. But in general,
19 what you're saying is -- is correct. From what we
20 understand, they do tend to spend winters more in the
21 lowlands, and for the summer and into -- like, from
22 calving sort of to rut, they tend to be in higher --
23 higher elevation areas.

24 MR. DAVID KRUTKO: David Krutko again.

25 So if that diagram illustrates the

1 range of that -- the woodland caribou, it doesn't seem
2 like you have much of an area to cover if you're going
3 to do aerial photos or aerial surveys.

4 So I'm just wondering why have you not
5 done the aerial surveys in that general vicinity if
6 that's the range of the woodland caribou?

7 MR. DOUGLAS TATE: Doug Tate, Parks
8 Canada.

9 Yeah. As I said, just to clarify,
10 that's just the home range of one (1) individual
11 female. Some of the maps that were shown earlier in
12 our -- our technical report and Canadian Zinc's
13 presentation shows that, yeah, the -- there is a much
14 broader range. But that sort of shows the area where
15 there seems to be a small, sedentary group of animals.

16 MR. DAVID KRUTKO: Yeah, I noticed
17 that -- just clarification. You mentioned you tagged
18 eighteen (18) female caribou? Why haven't you
19 collared male caribou?

20

21 (BRIEF PAUSE)

22

23 MR. DOUGLAS TATE: Doug Tate, Parks
24 Canada.

25 It's a -- it's a good question. The

1 main reason -- well, a number of reasons. In general,
2 biologists have felt you can get more information from
3 female collaring, because you can take a blood sample,
4 which gives you an estimate of the -- the pregnancy
5 rate, and it's the -- being able to relocate a female
6 later in the year for a survey, you can also get
7 estimates of calf survival.

8 There is valuable information from --
9 from males as well, but for -- for this project, we
10 felt that that was the -- the most information we
11 could get from the funding that we had.

12 THE CHAIRPERSON: Questions, Board
13 members?

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Bertha...?

18 MS. BERTHA NORWEGIAN: Thank you,
19 Madam Chair. Bertha Norwegian.

20 I have a question regarding the
21 vegetation during the construction of the road. Do
22 you feel that there is going to be any contamination
23 and destruction of the vegetation, or the diet that's
24 important for the caribou that is in that region?

25

1 (BRIEF PAUSE)

2

3 MS. ALLISON STODDART: Allison
4 Stoddart, with Parks Canada. Two (2) of us are going
5 to try and answer your question for you, so I'll
6 start.

7 So just so you're aware, Environment
8 and Climate Change Canada, it's under their mandate to
9 consider contaminant loading from, you know, potential
10 -- and they -- they have outlined a monitoring
11 program, or recommended a monitoring program for that
12 -- for that purpose.

13 So we'll let -- we'll let them speak to
14 that. However, Doug Tate can -- can answer a little
15 more clearly some specifics with regards to caribou.

16 MR. DOUGLAS TATE: Doug Tate, Parks
17 Canada. Yeah, with regards to the actual loss of --
18 of, you know, vegetation that might be food for
19 caribou, there's certainly a possibility that there
20 will be some loss. But we're not considering that to
21 probably be the -- the primary potential for impact on
22 caribou.

23 MS. BERTHA NORWEGIAN: Bertha
24 Norwegian. I guess my primary concern is particularly
25 during the calving and the -- the young, very young

1 caribou. If you don't have a large enough supply of
2 vegetation for the young ones, you know, they might
3 have a much shorter lifespan than -- than we, the
4 people and the hunters, would like. And therefore, I
5 think it's relevant question, and it could be a
6 significant adverse impact to the caribou.

7 MR. DOUGLAS TATE: Doug Tate, Parks
8 Canada. Yes, we -- we agree it could possibly be an
9 impact to them. In terms of calving, yeah, we don't
10 know exact sites where calving loca -- was located.
11 The -- the one on the graph there was -- was somewhat
12 south of the road.

13 But we do have some records from
14 cameras that we have set up at other times on the --
15 on the road alignment that, you know, caribou are
16 using it at times. And there have been shots with
17 caribou cows with calves, but not the -- the really
18 young ones.

19 THE CHAIRPERSON: Questions, Board
20 members? Yvonne...?

21 MS. YVONNE DOOLITTLE: Yes. Yvonne
22 Doolittle, Review Board. Just a question of course
23 about caribou. So that is a picture of one (1)
24 female. And you said the herd was between five (5)
25 and ten (10).

1 Is that -- am I mixing up my or --
2 numbers?

3 MR. DOUGLAS TATE: Doug Tate, Parks
4 Canada. The -- the Redstone herd, as defined in the
5 management plan for the entire northern mountain
6 population, was estimated between five (5) and ten
7 thousand (10,000) animals.

8 MS. YVONNE DOOLITTLE: Yvonne
9 Doolittle. So -- so guesstimation, if this was
10 representational of the herd, this could be
11 potentially in this area where they'd go back and
12 forth a lot and maybe even live and do -- spend a lot
13 of time around.

14 Could be anywhere from fifteen hundred
15 (1,500) to three thousand (3,000) animals. Is that --
16 do -- I -- I was trying to figure that out in my head
17 there about -- so -- so that many animals could be in
18 the area going back and forth on the road.

19 In your -- in your management or
20 monitoring of this as -- as being in the park, what --
21 what sort of things would you recommend that you do
22 that -- that could be done to prevent -- pre -- yeah,
23 protect the caribou?

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25 (BRIEF PAUSE)

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MR. DOUGLAS TATE: Doug Tate, Parks Canada. Yeah, we -- we're really not comfortable at this time estimating how many animals would use that particular area or are right in along the road. As we stated, the -- the majority of the Redstone herd range is to the north and west of the project area.

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But this is relatively new information that has discovered that there are animals using the area, so even if it is a relatively small local group, we're -- we're still concerned and -- and interested and -- and want to -- to protect them as best we can.

In terms of what sort of adaptive management techniques might -- might be used, there was some discussion of using convoys to -- to keep trucks together so that there's less total amount of tru -- of sort of time that the road is being used.

Another possibility that's been used in -- in some other roads in -- in the caribou habitat is seasonal closures. If it's known that the -- the area's being used a lot and sort of spring calving or -- or fall rut or something, for example, there could be a window where the road is -- is temporarily not used. Those are just some sort of options.

THE CHAIRPERSON: Okay, final

1 questions I think came from -- Mr. Harpley, you would
2 like to respond?

3 MR. DAVID HARPLEY: It's Dave Harpley.
4 If -- if I may, I'd like to make a couple of comments
5 on the last couple questions. So taking Bertha's
6 question first regarding vegetation, we heard a few
7 minutes ago that typically the animals occupy the
8 uplands during the summer and lowlands in the winter.
9 And if I'm not mistaken, calving is a time when they
10 would generally be in the uplands, so there's no
11 disturbance to that vegetation because the road is in
12 -- generally in the lowland, at least in this terrain.

13 And the other comment is that I think
14 the vegetation loss in the road alignment is
15 relatively very small compared to the area in general,
16 so there's that one (1).

17 And in terms of caribou numbers and the
18 size of this small group, I don't think you can draw a
19 correlation between the collar percentage of 17
20 percent to the five thousand (5,000) to ten thousand
21 (10,000) number, because bear in mind that the animals
22 that were collared were collared right in the area
23 next to the road, but they didn't go and collar the
24 whole herd. If they did, then maybe you could
25 correlate it, but -- so I think there's a bit of

1 distortion there.

2 And I -- I -- it does appear -- we do
3 tend to agree with Parks that it -- that there -- that
4 the two (2) or three (3) caribou do indicate a small
5 herd in that specific area, but I don't think we're
6 talking anything like fifteen hundred (1,500) to three
7 thousand (3,000).

8 THE CHAIRPERSON: Questions, Board
9 members? David...?

10 MR. DAVID KRUTKO: David Krutko. Just
11 a question to Parks.

12 Is it possible we can get a map that
13 illustrates the sample of the eighteen (18) collared
14 herds that you -- collared caribou that you have so we
15 can get a better -- if this is -- if this is just one
16 (1) caribou, I'd like to see where the other seventeen
17 (17) are and where do they -- and because it seemed
18 like there is a lot of limited baseline, but this
19 seems to be the best thing that we have right now,
20 this two (2) years of baseline.

21 So I'd like to know, is it possible we
22 can get a map that illustrates the eighteen (18)
23 caribou that have been collared? Thank you.

24 MS. ALLISON STODDART: Allison
25 Stoddart, with Parks Canada. We -- we actually have

1 our maps on the computer. So if one (1) of the Board
2 staff -- they're also on the registry, but we can
3 actually pull them up for you right now, so if you
4 want to just take a look now, that -- that's fine.

5

6 (BRIEF PAUSE)

7

8 MS. ALLISON STODDART: Allison
9 Stoddart, with Parks Canada.

10 We just want to clarify, do you want to
11 see each individual caribou that was collared and we
12 could go through ea -- the ranges of each one (1), or
13 would you rather see the maps that show sort of the --
14 the broad ranges of -- of the -- the collars in
15 general?

16 MR. DAVID KRUTKO: David Krutko. I'm
17 just asking for the information.

18 You don't have to present it here, as
19 long as we get access to it, but the point I'm trying
20 to get at is that it seemed like the caribou that you
21 have are -- from the questions asked earlier, it
22 seemed like the caribou were collared in one (1)
23 specific place and you're only talking about one (1)
24 type of species.

25 But I think from the information I've

1 seen, it seemed like there was a vast variety of
2 species being collared, so -- so for me, give us the
3 information and we can go from there. Thank you.

4 MS. ALLISON STODDART: That's fine.
5 It's on the registry, but we'll make -- we'll make
6 sure you have the specific information. Thanks.

7 THE CHAIRPERSON: Okay. Questions
8 from Board members? There was one (1) question --
9 Liidlii Kue First Nations, you had a question for
10 Parks?

11 MR. DEAN HOLMAN: Thank you. Thank
12 you, Madam Chair. Dean Holman, from Liidlii Kue First
13 Nation. My question is in regards to traditional
14 harvesting. And I understand that there was a recent
15 incident at the Howard's Pass Road on access or
16 unauthorized access.

17 I'm wondering, what's the likelihood of
18 unauthorized hunting in the project area considering
19 that the road travels over 84 kilometres of Parks --
20 Parks jurisdiction?

21

22 (BRIEF PAUSE)

23

24 MR. JONATHAN TSETSO: Jonathan Tsetso,
25 Parks Canada Chair. I just want to redirect that

1 question back to LKFN. Are you asking Parks Canada
2 about what we think the probability is in terms of
3 unauthorized use on that road for -- for potential
4 illegal harvesting?

5 MR. DEAN HOLMAN: Yes, I'm asking the
6 question because of the time -- in -- in terms of
7 monitoring or -- or actually Parks being -- Parks
8 actually being on the road controlling access into the
9 park. You know, depending on what you're -- on how
10 many people you have on the ground, or if you have
11 people on the ground at all, what's the likelihood of
12 -- of -- I guess what's the probability of
13 unauthorized hunting within the Park, but also what's
14 the probability of unauthorized access into the Park?

15

16 (BRIEF PAUSE)

17

18 MR. JONATHAN TSETSO: Madam Chair,
19 Jonathan Tsetso, Parks Canada.

20 I don't think at this point we would
21 have any way to -- to predict that.

22 MR. DEAN HOLMAN: Maybe I'll clarify
23 that. How many -- how many Parks people are you going
24 to -- sorry, my name is Dean Holman, from Liidlii Kue.

25 How many -- how many Parks people are

1 you going to have on the ground monitoring for -- for
2 this?

3

4 (BRIEF PAUSE)

5

6 MR. JONATHAN TSETSO: Madam Chair,
7 Jonathan Tsetso, Parks Canada.

8 Well, just at this point I think an
9 important point of clarification is that the road
10 isn't built so we haven't really had those discussions
11 as to what -- you know, resourcing would look like for
12 enforcement on the road.

13 Parks Canada does maintain full
14 enforcement authorities and capabilities, so -- yeah,
15 we would certainly be reactive and as proactive as we
16 possibly could with regards to access on this --
17 unauthorized access on this road.

18 MR. DEAN HOLMAN: Thank you. Dean
19 Holman, from Liidlili Kue First Nation. We have no
20 more questions. Masi.

21 THE CHAIRPERSON: Okay. Thank you for
22 the presentation, Parks Canada. We would like to
23 reconvene after lunch, so we'll start shortly after
24 1:00. Environment Canada and Climate Change will be
25 up. Thank you.

1 --- Upon recessing at 12:10 p.m.

2 --- Upon resuming at 1:22 p.m.

3

4 THE CHAIRPERSON: Well, good
5 afternoon. I hope everyone had a good lunch. Just
6 before we call Environment and Climate Change Canada
7 to present their presentation, we have a slide for the
8 next steps.

9 And we would like to have our legal
10 counsel address the next steps, because during the
11 hearing, the Board and myself as well as staff have
12 heard different scenarios as to what is going to
13 happen next. People seem to question as the next
14 step.

15 So if we could have legal counsel
16 clarify and just walk through the next steps.

17 MR. JOHN DONIHEE: Thank you, Madam
18 Chair. John Donihee. I'm Board counsel.

19 To be clear, today, the Board will
20 complete the technical hearing stage of its process.
21 As many of you know, the Board also had community
22 hearings this week in both Nahanni Butte and in Fort
23 Simpson.

24 And if you've had the opportunity to
25 review the agenda for today, you will note that

1 there's no time set aside for closing statements on
2 that agenda. That is because the Board's process
3 schedule going forward, if you have a look at the
4 screen, provides for all the parties, and this would
5 include the interesting (sic) public as well, to
6 submit written final arguments or, in the case of a
7 person who is not a party, simply a written statement
8 or a letter to the Board about your views in relation
9 to this proposed development.

10 Today's agenda does provide for short
11 public comments before the closing prayer, and we
12 trust that those comments will be brief so that the
13 Board can hear from everyone that has signed up,
14 because there are -- are a number of people who have
15 already indicated that they wish to speak to the Board
16 at -- at the end of the hearing.

17 So that will take us through till the
18 end of the day today. And then, in terms of formal
19 process, this is generally outlined in the -- the
20 Board's work plan anyhow, and that's available on the
21 -- the Board's website, but the undertakings made
22 during the course of this hearing either from Canadian
23 Zinc or from others are due May the 10th. Though --
24 once they're submitted, by that point, the transcripts
25 will already be filed on the record, and all of the

1 evidence will be in from the standpoint of decision-
2 making in -- in this proceeding.

3 So, at that point, closing arguments
4 can happen. Parties will have access to all the
5 evidence to craft those arguments. And the parties go
6 first, other than Canadian Zinc, so their written
7 arguments are due on May 26th. And then after an
8 opportunity to review them, we expect closing argument
9 from Canadian Zinc by June the 5th. That, pending
10 some other kind of extraordinary event which we don't
11 anticipate, that will then result in the closing of
12 the public record. Everything will be in, all the
13 evidence, all the argument for the -- the Board to
14 consider. And, at that point, the Board will then be
15 in a position to begin its process of deliberations.

16 That process is -- is -- the length of
17 that process is limited by law. The provisions are in
18 the Mackenzie Valley Resource Management Act. But for
19 the sake of setting it out for you, sometime in
20 August, the Board's plan is to send a report of
21 environmental assessment, which outlines its reasons
22 for its decision to the INAC minister, who is the --
23 the coordinating and -- and ultimate decision-maker in
24 this particular case.

25 So the federal minister will make that

1 decision after due consideration. There are a number
2 of responsible ministers involved as well from GNWT
3 and other federal departments. But once the ministers
4 come to a consensus and there's a decision, it will
5 come from the federal minister, and that is the end of
6 the Mackenzie Valley Impact Review Board's role in
7 this process.

8 So sometime after August, it -- it
9 could be several months, but, nevertheless, you can
10 expect it sometime in the fall, I -- I suggest, the
11 federal minister will issue a decision and the MVEIRB
12 process is over.

13 The regulators are then free in law to
14 proceed to issue licences, permits, or authorizations
15 to Canadian Zinc in satisfaction of the -- the
16 regulatory framework that applies to the project. And
17 once those approvals are in hand, Canadian Zinc will
18 be in a -- in a -- a place where it can make a
19 decision about beginning the construction of the road.

20 Now, there are regulators here. Parks
21 Canada is one (1) of them, of course. There are
22 representatives from the Mackenzie Valley Land and
23 Water Board in attendance, as well. And so for the
24 First Nations and others who may not be all that
25 familiar with the way the regulatory process works, I

1 would simply urge that you take the opportunity at a
2 break to have a conversation with our colleagues who
3 are involved in the regulatory process, and they can
4 give you some sense of their timelines.

5 But again, I -- I emphasize, once the
6 federal minister's decision is in, the Review Board's
7 process is completed. So that will, I think, give you
8 some sense of how this decision-making process in
9 relation to the road will play out from now right to
10 the point where Canadian Zinc has the decision as to
11 whether to proceed with the road or not.

12 Thank you, Madam Chair.

13 THE CHAIRPERSON: Okay. Thank you,
14 John, for that insight as to the next steps. And in
15 closing remarks you will have another chance to even
16 make it briefer again as to what our next steps would
17 be.

18 So at this time I'd like to recognize
19 Environmental Climate and Change Canada, and welcome,
20 and you're ready for your presentation.

21

22 (BRIEF PAUSE)

23

24 PRESENTATION BY ENVIRONMENT CANADA AND CLIMATE CHANGE
25 CANADA:

1 MS. EMILY NICHOL: Thank you, Madam
2 Chair. Emily Nichol, with Environment and Climate
3 Change Canada. Joining me is Bradley Summerfield. I
4 will be presenting today Environment and Climate
5 Change Canada's wildlife presentation for the Prairie
6 Creek all-season road.

7 So first just a quick overview of this
8 presentation. I'll briefly discuss our mandate and
9 relevant legislation, and then I will go through all
10 our recommendations, which are organized by topic as
11 seen on slide 2.

12 With respect to wildlife our mandate
13 includes preserving and enhancing the quality of the
14 natural environment, conserving Canada's renewable
15 resources, and coordinating environmental policies and
16 programs.

17 Our mandate is fulfilled through
18 various legislation. The legislation pertaining to
19 wildlife includes the Migratory Birds Convention Act
20 and the Species at Risk Act.

21 Our first set of recommendations are
22 for impact assessment for migratory birds and avian
23 species at risk. The proponent has committed to
24 implementing a field program using autonomous
25 recording units, or ARUs, in cooperation with

1 Environment and Climate Change Canada and Parks
2 Canada.

3 We recommend that this information be
4 collected prior to construction disturbance, which
5 includes any initial winter road clearing.

6 Next are trumpeter swan
7 recommendations. The proponent has committed to
8 focussing mitigation and monitoring efforts on areas
9 where the project overlaps the Mackenzie mountain key
10 migratory habitat site and where trumpeter swans are
11 observed.

12 We recommend that frequent long-term,
13 large-scale, or multiple sources of disturbances
14 greater than 50 decibels or 10 decibels above
15 background should generally be avoided within 800
16 metres of trumpeter swans during the nesting period.

17 Next we have quarry operations and
18 avian species at risk. The proponent has committed to
19 consulting Environment and Climate Change Canada on
20 migratory bird mitigation. They have committed to
21 confirming the absence of nesting species prior to
22 commencing disruptive activities during the general
23 nesting period and they have committed to notifying
24 staff and contractors of the potential for species at
25 risk encounters and reporting and mitigation

1 protocols.

2 We recommend the absence of nesting at
3 borrow and gravel pits should also be confirmed
4 following any breaks in disruptive activities. A nest
5 check following breaks and activities is important
6 because birds can initiate nests within days at
7 inactive or quiet sites during the nesting period.

8 Next is a summary of our boreal caribou
9 recommendations. The Proponent has committed to
10 consulting with the Government of the Northwest
11 Territories regarding the adequacy of the proposed
12 mitigation and monitoring measures for boreal caribou.

13 Environment and Climate Change Canada
14 notes differences between the disturbance estimates
15 for the project produced by the proponent and those
16 produced by the Government of the Northwest
17 Territories. And we support the estimates produced by
18 the Government of the Northwest Territories.

19 Finally, the Proponent has committed to
20 all of our recommendations for migratory bird
21 mitigation and monitoring, and species at risk, and
22 they have committed to incorporating these
23 recommendations into their wildlife mitigation and
24 monitoring plan.

25 That concludes our presentation with

1 regards to wildlife, and we'd be happy to take any
2 questions at this time.

3

4 QUESTION PERIOD:

5 THE CHAIRPERSON: Thank you for the
6 presentation. Questions, Dehcho First Nations?

7

8 (BRIEF PAUSE)

9

10 MS. CARRIE BRENEMAN: Carrie Breneman,
11 Dehcho First Nations.

12 You mentioned on some of your slides
13 some of the expectations for Canadian Zinc, and we're
14 just wondering how you're planning on enforcing those
15 recommendations?

16

17 (BRIEF PAUSE)

18

19 MR. BRADLEY SUMMERFIELD: It's Bradley
20 Summerfield, with Environment and Climate Change
21 Canada.

22 So we -- we are making those
23 recommendations before the Board to be incorporated in
24 the -- in the report of assessment, but further to
25 that, Environment and Climate Change Canada does have

1 designated officers under the Migratory Birds
2 Convention Act, as well as the Species at Risk Act,
3 who do have enforcement capabilities, should the
4 Proponent fail to -- to meet their obligations.

5 But at this point, we would be assuming
6 based on discussions with the Proponent that they
7 would be meeting our recommendations.

8

9 (BRIEF PAUSE)

10

11 MS. DAHTI TSETSO: Dahti Tsetso,
12 Dehcho First Nations.

13 Just one (1) more quick question. Just
14 with regards to Environment Canada's positions on the
15 involvement of local community monitors involved in
16 that process of -- of some of the things that you
17 outlined in your presentation, and just the way
18 Environment Canada could see community involvement in
19 that.

20

21 (BRIEF PAUSE)

22

23 MR. BRADLEY SUMMERFIELD: It's
24 Bradley Summerfield, with Environment and Climate
25 Change Canada.

1 Absolutely. As -- as has been noted on
2 the record, we've been working Canadian Zinc and Parks
3 Canada to -- to help develop that monitoring program.
4 And it's definitely a key component of -- of Canadian
5 Zinc's to employ community members, and of -- we are
6 absolutely supportive of that.

7 MS. CARRIE BRENNEMAN: Carrie Breneman,
8 Dehcho First Nations. We have no further questions.

9 THE CHAIRPERSON: Questions, Fisheries
10 and Oceans Canada?

11 MS. VERONIQUE D'AMOURS GAUTHIER:
12 Thank you, Madam Chair. Veronique D'Amour Gauthier,
13 with Fisheries and Oceans Canada. We don't have any
14 question.

15 THE CHAIRPERSON: Questions,
16 Government of the Northwest Territories?

17 MS. LORRAINE SEALE: Lorraine Seale,
18 GNWT. We have no questions.

19 THE CHAIRPERSON: Questions,
20 Indigenous and Northern Affairs Canada?

21 MS. MAUREEN FLAGLER: Thank you.
22 Maureen Flagler, for Indigenous and Northern Affairs
23 Canada. We do not have any questions.

24 THE CHAIRPERSON: Questions, Liidlii
25 Kue First Nations?

1 MR. DEAN HOLMAN: Thank you, Madam
2 Chair. Dean Holman, from Liidlili Kue First Nation.
3 We have no questions at this time.

4 THE CHAIRPERSON: Questions, Nahanni
5 Butte Dene Band?

6 MR. GARTH WALLBRIDGE: Thank you,
7 Madam Chair. Garth Wallbridge, for the band.

8 Just a -- a point of clarification, if
9 we might, on slide 5. The -- the last three (3) or
10 four (4) words the -- there's -- on the slide,
11 "including any initial" -- is it supposed to be
12 "wintertime road clearing"? "Winter road" in this
13 particular instance has a particular description in
14 that there's a permanent place for a winter road now,
15 I would understand.

16 So I'm thinking you mean "any initial
17 wintertime road clearing." Would that be fair, for
18 the all-season road?

19 MR. BRADLEY SUMMERFIELD: Bradley
20 Summerfield, with Environment and Climate Change
21 Canada. Yeah. The recommendation pertains to any
22 clearing in relation to this EA and -- and this
23 proposed road alignment.

24 MR. GARTH WALLBRIDGE: Thank you. No
25 other questions. Thank you.

1 THE CHAIRPERSON: Questions, Natural
2 Resources Canada?

3 MS. VICTORIA THOMAS: Victoria Thomas,
4 with Natural Resources Canada. We have no questions,
5 thank you.

6 THE CHAIRPERSON: Questions, Parks
7 Canada?

8 MS. ALLISON STODDART: Allison
9 Stoddart, Parks Canada. We have no questions.

10 THE CHAIRPERSON: Questions, Canadian
11 Zinc?

12 MR. DAVID HARPLEY: Dave Harpley. No
13 questions.

14 THE CHAIRPERSON: Questions, Board
15 staff?

16 MS. KATE MANSFIELD: Kate Mansfield
17 with the Review Board.

18 In Environment and Climate Change
19 Canada's technical report, you indicated that some of
20 the requirements of the Species at Risk Act and
21 potentially the Migratory Birds Convention Act have
22 not been fully met to date in the EA with respect to
23 an incomplete listing of potentially affected species,
24 and also potentially inadequate baseline data
25 collection to date.

1 The Developer has made a number of
2 commitments and responses to your technical report
3 with respect to some of these concerns. Based on
4 these commitments, does Environment and Climate Change
5 Canada believe that migratory birds and species at
6 risk are sufficiently protected from significant
7 adverse impacts as a result of the project?

8

9 (BRIEF PAUSE)

10

11 MR. BRADLEY SUMMERFIELD: Thank you.
12 Bradley Summerfield, with Environment and Climate
13 Change Canada.

14 We have made a lot of progress with the
15 proponent on -- and Parks Canada on coming forward
16 with the provisions of that baseline data, and -- and
17 as well as updating the -- the species at risk
18 information.

19 But similar to Parks Canada's response,
20 it would be difficult for us to -- to make that
21 determination given that we -- we don't actually have
22 that baseline data yet.

23 THE CHAIRPERSON: Legal counsel...?

24 MR. JOHN DONIHEE: Thank you, Madam
25 Chair. It's John Donihee, for the Board.

1 To Environment Canada then. You know,
2 your -- your very last slide here says that "The
3 proponent has committed to all of ECCC's
4 recommendations."

5 What that leaves me with is the
6 question: Are you satisfied? It sounded like your
7 answer to the question my colleague asked you sounded
8 a little bit like you weren't satisfied.

9 Does Environment Canada, for the
10 matters within its jurisdiction, have any concern that
11 there will be significant adverse impacts resulting
12 from this -- this particular proposed development?

13 MR. BRADLEY SUMMERFIELD: Bradley
14 Summerfield, with Environment and Climate Change
15 Canada.

16 Each slide in -- in our presentation
17 pertains to a different recommendation. So perhaps we
18 should have been more clear. This is referring to
19 section 4.7 and 4.8 in our technical report that the
20 proponent has committed to all of our recommendations.
21 But it is not speaking to the entire report, just to
22 those two (2) sections.

23 MR. JOHN DONIHEE: John Donihee, for
24 the Board. So the slide I'm looking at here, when you
25 say they've committed to all of your recommendations,

1 you're just referring to the ones with respect to
2 migratory birds and monitoring of species at risk? Is
3 -- is that what I'm to conclude?

4 MR. BRADLEY SUMMERFIELD: Bradley
5 Summerfield, with Environment and Climate Change
6 Canada.

7 We're referring to the recommendations
8 under Section 4.7 for migratory bird mitigation and
9 monitoring, and Section 4.8 titled, "Species at
10 risk."

11 But I think to clarify, Kate's question
12 had to do with the baseline recommendations, which was
13 the title, "The impact assessment for migratory birds
14 and avian species at risk," so my apologies for the
15 confusion in the -- in the layout.

16 MR. JOHN DONIHEE: Thank you, Madam
17 Chair. John Donihee again. Thank -- thanks for that
18 clarification. I appreciate it.

19 But I do want to come back to my more
20 general question regardless. We would like to know
21 whether Environment and Climate Change Canada is -- is
22 still concerned or -- or perhaps even suggesting that
23 there will be significant adverse impacts as a result
24 of the proposed development.

25 Now, again, I'll -- I'll say again, I'm

1 only -- I'm only asking with respect to the matters
2 over which your department has jurisdiction. But I
3 guess what I'm asking for is, you know: What is the
4 final position of your department with respect to all
5 the things you're responsible for?

6 Are you suggesting there's going to be
7 a significant impact in relation to any of them?

8

9 (BRIEF PAUSE)

10

11 MR. BRADLEY SUMMERFIELD: It's Bradley
12 Summerfield, with Environment and Climate Change
13 Canada.

14 I wonder if it would acceptable to
15 address this in the closing submission, as keeping
16 with the issues from yesterday?

17 MR. JOHN DONIHEE: John Donihee.
18 Madam -- Madam Chair, that's fair. I'm -- I'm more
19 than happy to have that question addressed in
20 argument. So, yes, that satisfies my -- my -- our
21 need to have that information and I think that's --
22 that's quite fair, Madam Chair.

23 THE CHAIRPERSON: Questions from Board
24 members?

25

1 (BRIEF PAUSE)

2

3 MR. JOHN DONIHEE: Thank you for the
4 moment, Madam Chair. That -- that's all of the -- the
5 questions from staff and counsel.

6 THE CHAIRPERSON: Questions from Board
7 -- Review Board?

8

9 (BRIEF PAUSE)

10

11 THE CHAIRPERSON: Questions from
12 Nahanni Butte Dene Band?

13 MR. GARTH WALLBRIDGE: Thank you,
14 Madam Chair, for -- for recognizing us. I have
15 another question, if I may be permitting to ask the
16 presenters, if that would be possible, please. Thank
17 you kindly.

18 If I could take you again to slide 5.
19 I note that your first bullet point, the Proponent,
20 Canadian Zinc, has committed to implementing the --
21 the ARU program in cooperation with your department
22 and Parks Canada.

23 Can you please advise if it would be
24 your commitment to cost share amongst the three (3)
25 parties rather than putting -- the position of the --

1 of the Nahanni Butte Band would be, This seems like
2 valuable information for both your department, Parks
3 Canada, as well as for the Proponent, and we're
4 wondering if you're prepared to cost share that.
5 Thank you.

6 And I'm -- do apologize, I did not
7 identify. Garth Wallbridge, for the Nahanni Butte
8 Dene Band. Thank you.

9 MR. BRADLEY SUMMERFIELD: Thank you.
10 It's Bradley Summerfield, with Environment and Climate
11 Change Canada.

12 So the exact details have yet to be
13 ironed out. But Environment and Climate Change Canada
14 absolutely recognizes your -- your point, that that's
15 valuable information for -- for our department as
16 well, and so we have committed to lending half of the
17 amount of units that will be required, up to a maximum
18 of 50, as well as to assist and train Canadian Zinc's
19 staff or consultants on the use of them for them to in
20 turn train the community members, and also to assist
21 throughout the program with interpreting data and --
22 and so on.

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON: Okay. Thank you
2 very much for your presentation. Thank you. If we
3 could have the next presenters come up, please. It'll
4 be the Government of the Northwest Territories.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: Before you start
9 your presentation, I would hope you would do
10 introductions.

11 MS. LORRAINE SEALE: Yes.

12 THE CHAIRPERSON: Oh, good.

13

14 PRESENTATION BY GNWT:

15 MS. LORRAINE SEALE: Absolutely.
16 Thank you, Madam Chair. I'm Lorraine Seale, with the
17 Securities and Project Assessment Division in -- with
18 the Department of Lands. With me at the table today I
19 have Danny Allaire and Andrea Patenaude from the
20 Department of Environment and Natural Resources, Paul
21 Mercredi, from Department of Lands, Simone Tielesh,
22 from the Department of Justice, and Andrea Patenaude
23 from -- or sorry, excuse me, Dianna Beck from
24 Industry, Tourism, and Investment.

25 I won't -- the other day I did mention

1 the various GNWT staff in attendance in the audience.
2 For today, I just wanted to note we also have with us
3 Carl Lafferty from ENR, and Renalyn Pascua-Matte, from
4 Industry, Tourism, and Investment. They're both from
5 the Fort Simpson offices.

6 Finally, on the phone, we have with us
7 Melissa Bard, from the Department of Lands, Kelly
8 Mahoney, from Education, Cultural -- Culture and
9 Employment, and Glen MacKay from Education, Culture
10 and Employment.

11 So just to check, can the three (3) of
12 you -- are you able to hear us all right?

13 MS. KELLY MAHONEY (BY PHONE): It's
14 Kelly Mahoney, with ECE, and I can hear you.

15 MS. MELISSA BARD (BY PHONE): Melissa
16 Bard, here and I can hear you fine. Thanks.

17 MS. LORRAINE SEALE: Okay. So it's
18 Lorraine Seale again. Our presentation today covers
19 wildlife and harvesting, archeol -- our recommendation
20 regarding archeological surveys, and socioeconomic
21 considerations. Again, our recommendation numbering
22 is from the technical report.

23 So I'm now going to hand off the mic to
24 Andrea Patenaude, who will speak to the wildlife
25 conclusions. So we're going to slide 3 now.

1 (BRIEF PAUSE)

2

3 MS. ANDREA PATENAUDE: Good afternoon,
4 Madam Chair. I am Andrea Patenaude. And others, good
5 afternoon. I work in -- as an environmental
6 assessment biologist in the wildlife division in the
7 Department of Environment and Natural Resources.

8 And I work closely with wildlife
9 specialists in ENR to develop advice and input on
10 wildlife issues into project review processes such as
11 this one. And so I'm here today to talk a little bit
12 about ENR's perspective on the wildlife aspects of the
13 proposed project.

14 I just want to highlight before going
15 on that due to approval timelines, this presentation
16 was mostly prepared prior to Canadian Zinc having
17 provided responses to technical reports. So just to
18 be advised that what I say may not always exactly
19 match what's on the slide.

20 So -- oh, nope, back. There we go.
21 Thank you. Okay. GNWT's review has focussed on
22 wildlife species that are under territorial
23 jurisdiction, which is to say it excludes migratory
24 birds and fish, with particular attention to pre-
25 listed or listed species assessed as at risk by either

1 NWT species at risk committee, or the committee on the
2 status of endangered wildlife in Canada.

3 With respect to caribou, GNWT has
4 focussed has focused on the boreal woodland caribou
5 ecotype with the understanding that Parks Canada foc -
6 - has focussed on northern mountain caribou.

7 As ENR is a regulator responsible for
8 the enforcement of the Wildlife Act, and the Species
9 at Risk Act in the Northwest Territories, we work to
10 make sure that development projects are in compliance
11 with wildlife legislation. For example, Section 95 of
12 the Wildlife Act allows the Minister of Environment
13 and Natural Resources to require a wildlife management
14 and monitoring plan, and I'll call them WMMPs today,
15 for certain types of -- for certain types of -- for
16 projects that meet certain criteria outlined in the
17 Act.

18 So while the need for and the approval
19 of a wil -- of a WMMP for a development project is
20 independent of the environmental assessment process.
21 ENR does use the issues and discussions that arise
22 through the environmental assessment process to ensure
23 that developers devise mitigation and monitoring plans
24 that are compliant with legislation, robust,
25 effective, and provide good information for adaptive

1 management.

2 As an overall assessment of Canadian
3 Zinc's project and program for wildlife, in general we
4 agree with Canadian Zinc's conclusions that
5 significant adverse impacts to wildlife reviewed by
6 the Government of the Northwest Territories are not
7 likely, but that where we believe there is a high
8 level of uncertainty or there is the potential for
9 impacts to become significant if they are not
10 monitored properly, we emphasize the need for solid
11 effects monitoring. And you'll notice this theme
12 repeats itself a bit. Next slide, please.

13 One (1) of the biggest concerns that we
14 as wildlife managers have any time a road is proposed
15 is how public access will impact the mortality of
16 harvested species. While there are certain tools at
17 GNWT's disposal for managing certain types of harvest,
18 GNWT's approach to the management and administration
19 of industrial or resource access roads does not
20 provide either the GNWT or the road operator with the
21 authority to not -- to deny public access to such
22 roads.

23 Having said that, there are several
24 factors that lead GNWT to conclude, and we identified
25 many of these in our technical submission, that while

1 there will likely be additional harvest mortality
2 associated with the road, the risk of adverse impacts
3 at the population level for harvested species is
4 relatively low.

5 To ensure that a conservation concern
6 does not arise, GNWT had recommended that Canadian
7 Zinc provide support to the Nahanni Butte Dene band to
8 conduct harvest monitoring and -- at the check point
9 on the north side of the river. GNWT does acknowledge
10 Canadian Zinc's response to the technical report that
11 they intend to provide support to Nahanni Butte Dene
12 Band for monitoring patterns and level of harvest
13 associated with the road. Next slide, please.

14 On the issue of wildlife vehicle
15 collisions, while GNWT was satisfied with the suite of
16 mitigations Canadian Zinc was proposing for minimizing
17 wildlife vehicle collisions, it wasn't clear init --
18 it wasn't clear how Canadian Zinc was proposing to
19 compile and adaptively manage identification of
20 wildlife caution zones. And we did feel that a more
21 fleshed-out approach was necessary.

22 We acknowledge Canadian Zinc's response
23 on this recommendation and their intention to use the
24 journey management system. We would only further
25 recommend that the results of these units and the

1 mitigation actions they trigger be included in the
2 WMMP and any WMMP reporting.

3 Next slide, please. Canadian Zinc
4 concluded that collared pika may be adversely
5 affected, but that the impacts are predicted to be
6 low. While GNWT does not necessarily disagree with
7 this conclusion, we would consider this an example of
8 a situation where there is sufficient uncertainty to
9 warrant long-term monitoring, particularly given the
10 species at risk status for the species.

11 As such, GNWT has also recommended
12 longer-term monitoring of pika population, relative
13 abundance distribution, and patch occupancy in talus
14 habitats and within a certain distance of the road.

15 GNWT is encouraged to hear about
16 discussions going on between Parks Canada and Canadian
17 Zinc on what a monitoring program will look like going
18 forward. And we look forward to either engaging in
19 those discussions if -- and/or reading about this in a
20 final WMMP.

21 Next slide, please. With respect to
22 boreal caribou, GNWT's assessment of the potential
23 impacts has largely been based on the extent of new
24 habitat disturbance created by the all-season road in
25 both a local context and in the context of the entire

1 boreal caribou range in the Northwest Territories.

2 In GNWT's technical report, we
3 determined that new disturbance created by the project
4 is greater than what Canadian Zinc is reporting, but
5 that overall it does not cause the percentage of
6 disturbed habitat in the Northwest Territories boreal
7 caribou range to fall below the 65 percent threshold
8 identified in the federal recovery strategy.

9 Also, in considering local knowledge,
10 and given that the project is located on the edge of
11 the range, we believe that it is unlikely that the
12 project will lead to or accelerate declines of boreal
13 caribou in the southern portion of the range.

14 So I'll just go over a bit -- in a bit
15 more detail just some of the supporting information.
16 This figure shows the proposed road alignment with
17 orange showing areas that have burned in the last
18 forty (40) years, and the kind of straight, creamy-
19 yellow colour showing linear disturbance that can be
20 detected on Environment Canada and Climate Change,
21 their disturbance data set that was based on the 2008
22 to 2010 landsat imagery with a 500-metre buffer.

23 So fire and human disturbance with a
24 500-metre buffer, those two (2) elements comprise how
25 disturbed habitat is calculated in the 2012 federal

1 recovery strategy.

2 The pink and red colours show the new
3 disturbance plus a 500-metre buffer that would be
4 caused by the new road alignment options. And based
5 on the preferred alignment, which was I think the one
6 six zero four zero five (160405) and borrow sources,
7 GNWT calculated that the project would contribute an
8 additional 5,590 hectares of new disturbance into the
9 boreal caribou range.

10 Next slide, please. So where does this
11 put us in terms of condition of the overall NWT range?
12 When the recovery strategy came out in 2012, we had 69
13 percent undisturbed habitat in the Northwest
14 Territories range. And then, as of fall 2015, we had
15 roughly 66 percent undisturbed habitat. And we
16 present the calculations that we made in our technical
17 report.

18 We have about 438,000 hectares of
19 undisturbed habitat over and above that 65 percent
20 that we are required to maintain as critical habitat
21 for boreal caribou. The 5,590 hectares of new
22 disturbance in the boreal caribou range that would be
23 contributed by the all-season road does represent
24 about .01 percent new disturbance.

25 Therefore, the proposed road would not

1 cause the Northwest Territories' range to fall below
2 65 percent undisturbed habitat. This still applies
3 when also factoring in potential new disturbance of
4 other major proposed projects in the Northwest
5 Territories boreal caribou range, for example, the
6 Tlicho all-season road.

7 We would like to highlight that there
8 is regional variation in levels of undisturbed habitat
9 within the Northwest Territories range with some
10 regions above the threshold and some below. Within
11 the Dehcho and South Slave portion of the range there
12 was a 50.5 percent undisturbed habitat as of fall
13 2015.

14 Relative to other portions of the
15 range, the Dehcho region has the highest levels of
16 human disturbing footprint at about 17.2 percent human
17 disturbance, and 37 percent is the fire disturbance
18 level, so still quite high.

19 Regional differences within the
20 Northwest Territory range are an important factor GNWT
21 is considering in devising its approach to range
22 planning for boreal caribou, so that is being
23 considered by GNWT when looking forward. However, for
24 the time being, at the entire Northwest Territory
25 range level the boreal caribou population as a whole

1 we believe is likely to be self-sustaining because
2 there is currently over 65 percent undisturbed habitat
3 in the range.

4 Finally -- or next, please. Therefore,
5 GNWT has recommended that Canadian Zinc consider
6 designing and implementing as part of its WMMP a trail
7 camera study along the terrial -- torial (sic) lands
8 portion of the all-season road alignment west of the
9 Liard River to con -- well, confirm presence of boreal
10 caribou and potentially evaluate the need for further
11 monitoring of boreal caribou in this area.

12 This program would also -- including
13 the identification of appropriate studies -- study
14 locations can help to confirm the effectiveness of
15 mitigations to deter public access on the road.

16 We acknowledge Canadian Zinc's response
17 to this recommendation in which they suggest that
18 there would be enough traffic or potential observers
19 along the road to detect the presence of boreal
20 caribou and that they would consider this during
21 spring and fall when the road is not being used.

22 We do, however, believe there is added
23 value to having cameras out in all seasons and are
24 willing to discuss how such a study could be further
25 approached. The last slide, please.

1 Therefore, GNWT has come to the
2 conclusion that significant adverse impacts to
3 wildlife reviewed by GNWT are not likely but
4 predictions related to key impacts do need to be
5 tested as they are predictions.

6 Thank you. And I'll pass it along.

7 MS. LORRAINE SEALE: It's Lorraine
8 Seale, with GNWT again. I'll be presenting the -- our
9 single slide on archeological sites. And, as I
10 mentioned in the introduction, we do have subject
11 matter experts on the line.

12 So based on the available evidence,
13 GNWT has concluded that significant adverse impacts on
14 archeological sites are not likely, and, again, this
15 is on the territorial lands portion of the project.

16 Due to the realignment of the proposed
17 footprint, some areas require further examination.
18 And the GNWT recommends that Canadian Zinc construct -
19 - conduct a preconstruction archeological impact
20 assessment, or AIA, to fully assess potential impacts
21 to archeological sites. This recommendation aligns
22 with the recommendations of the archeological overview
23 assessment, or AOA, that was submitted to the public
24 registry in December 2016.

25 Following the archeological sites'

1 regulations, the AIA, so the archeological impact
2 assessment, of the all season road must be conducted
3 by a professional archeologist who's eligible to hold
4 a Class 2 NWT archeologist permit. The application
5 for that permit must be submitted to the Department of
6 Education Culture -- Culture and Employment at least
7 sixty (60) days before the start of field work.

8 This application should include maps
9 that clearly show the target areas based on the criter
10 -- criteria listed for the road. And we expect that
11 this will occur as part of the permitting process to
12 take place after the environmental assessment should
13 the development be approved to proceed to the
14 regulatory phase.

15 So I'll now -- we'll now go to slide
16 13, and I will pass the mic off to Dianna Beck.

17 MS. DIANNA BECK: I'm Dianna Beck,
18 with -- a senior socioeconomic specialist with
19 industry, tourism, and investment, GNWT.

20 I'll take you through the socioeconomic
21 consideration slide. The GNWT has not identified any
22 likely significant adverse impacts from the Prairie
23 Creek mine project. The Prairie Creek mine project
24 Socio-Economic Agreement, or SEA, was signed during
25 the environmental assessment for the Prairie Creek

1 mine.

2 Both the GNWT and Can Zinc have agreed
3 that the Prairie Creek mine project Socio-Economic
4 Agreement should apply to the all season road project.
5 Both the Government of the Northwest Territories and
6 Canadian Zinc are committed to continuing to work
7 collaboratively to ensure that commitments in the
8 Socio-Economic Agreement are achieved. Thank you.

9 MS. LORRAINE SEALE: Madam Chair, it's
10 Lorraine Seale, from GNWT. That concludes our
11 presentation for this afternoon.

12

13 QUESTION PERIOD:

14 THE CHAIRPERSON: Okay. Thank you for
15 your presentation.

16 Questions, Dehcho First Nations?

17 MS. CARRIE BRENEMAN: Thank you, Madam
18 Chair. Carrier Breneman, Dehcho First Nations.

19 On slide number 4 you say that you came
20 to the conclusion that the risk of substantial
21 increased harvest mortality is low.

22 How did you come to this conclusion?

23

24 (BRIEF PAUSE)

25

1 MS. ANDREA PATENAUDE: Andrea
2 Patenaude, Government of the Northwest Territories.

3 Well, we outlined it a bit in our
4 technical submission but there were a few factors.
5 First of all, considering that the road from the north
6 side of the river to the mine site is not accessible
7 to highway vehicles during the periods when the barge
8 is not operating, and the ice bridge is not open.

9 So already you're reducing potential
10 for highway vehicles for probably about a month, or a
11 couple of months, one (1) in the fall, one (1) in the
12 -- in the spring. In the open water season, Canadian
13 Zinc does have the ability to limit use of the barge
14 to vehicles not related to the project, and thus
15 discouraging access north of the -- the river. And
16 we've heard about ways that they are talking with
17 Nahanni De -- Butte Dene Band about how they can
18 exercise some of their options as lease holders.

19 In the open water -- oh, yeah, sorry.
20 For non-residents and non-resident aliens, most
21 hunting seasons are open in the summer and closed by
22 October 31st before the ice bridge would even be open.
23 And also bag limits for resident and non-residents,
24 and non-resident alien hunters for dall sheep,
25 mountain goat, woodland caribou, moose, and bison are

1 already limited to one (1) individual per licence
2 holder per year. And tags are required to harvest
3 these species.

4 So as a suite of -- of factors weighing
5 into that decision that we do believe that, yes, there
6 could be harvest associated with the road. We do feel
7 that it's looking like there are sufficient deterrents
8 and mechanisms in place to safeguard against that
9 becoming -- or to -- that it's not likely that that
10 will be significant.

11 Having said that, that is why we've
12 gone ahead with the recommendation to support harvest
13 monitoring, to make sure that that can be monitored.
14 Thank you.

15 MS. DAHTI TSETSO: Thank you. This is
16 Dahti Tsetso, with Dehcho First Nations. You spoke to
17 non-resident, resident, and alien harvesters.
18 However, you did speak to the -- the influx of
19 potential Aboriginal rights harvesters from other
20 regions coming in.

21 I understand that their access to that
22 area would be restricted during summer months due to
23 the private ferry, and during the shoulder seasons,
24 during breakup and freeze-up, but there is quite a
25 lengthy time during the winter where there would --

1 there would be a -- a winter road.

2 I raise it because I know I've heard in
3 various other forms our members expressing their
4 concerns of other harvesters coming in from other
5 regions, especially with the decline in barren-ground
6 caribou populations over the recent years.

7 So could you explain how -- how that's
8 been factored in?

9 MS. LORRAINE SEALE: It's Lorraine
10 Seale, with GNWT.

11 I -- earlier in the week, and on
12 Wednesday, we spoke to the fact that there is a
13 certain level of access that exists now, and the
14 project won't change that existing level of access.
15 Canadian Zinc will be required to seek a lease on the
16 -- the barge landing site on the north side of the
17 Liard River.

18 And we did ask -- we, GNWT, did ask a
19 question on Wednesday about how -- whether they
20 intended to exercise their right to restrict access.
21 They responded that that -- on the leased parcel, they
22 responded that they would be looking -- working with
23 Nahanni Butte for that restriction.

24 We indicated we'd be following up after
25 the hearings with Canadian Zinc. And we've also, it's

1 been stated a few times during the week that access
2 around the leased parcels would be quite difficult,
3 and that does not appear to be a likely method of
4 gaining access to the road beyond the leased parcels.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: Can Zinc...?

9 MR. DAVID HARPLEY: It's Dave Harpley.

10 I just want to note again that we already have a
11 winter road permit.

12 MS. CARRIE BRENEMAN: Carrie Breneman,
13 Dehcho First Nations. Could you go to slide number 9?

14

15 (BRIEF PAUSE)

16

17 MS. CARRIE BRENEMAN: I -- I'm just
18 wondering where Prairie Creek is on that map and where
19 the road is on that map?

20

21 (BRIEF PAUSE)

22

23 MS. ANDREA PATENAUDE: Oh yeah, it's
24 right around there. Andrea Patenaude, GNWT.

25 MS. CARRIE BRENEMAN: Carrie Breneman,

1 Dehcho First Nations. Does the road run through any
2 of the map where you have data?

3

4 (BRIEF PAUSE)

5

6 MS. ANDREA PATENAUDE: Andrea
7 Patenaude, GNWT. Can you repeat the question in terms
8 of what data?

9 MS. CARRIE BRENNEMAN: Sorry, Carrie
10 Breneman, Dehcho First Nations.

11 So on the map, there's areas that are -
12 - show undisturbed hab -- habitat fire, and then
13 there's a huge white area where there -- it looks like
14 there's no data. I'm just wondering if the road
15 alignment goes through area where there's no data or
16 data?

17 MS. ANDREA PATENAUDE: Andrea
18 Patenaude, Government of the Northwest Territories.

19 So the big white chunk to the left,
20 that is not considered boreal caribou range, so this -
21 - the -- where you see the colour, the green, and the
22 pink, and the -- and the yellow, that would be boreal
23 caribou range.

24 So the -- the actual -- the mine does
25 not occur in boreal caribou range. And so -- I can't

1 remember exactly what marker it is along the road, but
2 only the east portion of the road runs in boreal
3 caribou habitat -- or range.

4 MS. CARRIE BRENNEMAN: Okay, thank you.
5 Carrie Breneman, Dehcho First Nations.

6 On slide number 10, you have a
7 recommendation for Canadian Zinc to conduct a trail
8 study to confirm presence of boreal caribou and
9 evaluate the need for further monitoring of boreal
10 caribou in this area.

11 And I just want to clarify how exactly
12 you'll figure out where to put this trail camera
13 study. You kind of mentioned that you're going to get
14 drivers to observe where they see caribou, and then
15 that's where you -- the -- you're going to put
16 cameras?

17 MS. ANDREA PATENAUDE: Andrea
18 Patenaude, Government of the Northwest Territories.

19 I believe we said that we would be
20 willing to discuss further details on such a camera.
21 It is a recommendation, to see if what we understand
22 about -- or what we believe about boreal caribou being
23 not super dense in the area and in the area of the
24 road, to confirm that.

25 We understand a good part of where the

1 road goes through is not particularly prime boreal
2 caribou habitat; hence, local understanding that it's
3 fairly low. I mean, this boreal caribou are a species
4 that occur in low densities, and so we're talking
5 about what we believe to be even lower densities of a
6 low-density species.

7 We suggest a trail camera study may
8 help to kind of evaluate, in fact, whether boreal
9 caribou are using the area more than what we're seeing
10 in the -- in the few kind of non-formal surveys that
11 have occurred in the area. However, having said that,
12 that would be subject to further discussion. And the
13 recommendation does not really change our -- the way
14 the recommendation goes does not change our
15 conclusions.

16 And we believe it would help also to
17 identify areas where adaptive management could come
18 into play. So choosing the areas where the -- the
19 camera would go would probably happen together with
20 people experienced in the field and looking for areas
21 along the corridor where you might expect boreal
22 caribou to show up. Thank you.

23 MS. CARRIE BRENEMAN: Carrie Breneman,
24 Dehcho First Nations.

25 I'm just curious what work's been -- up

1 above one (1) of -- one (1) of your conclusions is
2 population density is likely low. What information do
3 you have about boreal caribou in this area and what
4 the numbers might be?

5 MS. ANDREA PATENAUDE: Andrea
6 Patenaude, Government of the Northwest Territories.

7 So, as noted in our technical study,
8 there have been no formal aerial surveys conducted
9 west of Liard River for boreal caribou. I understand
10 field staff have been in this area to look for animals
11 to collar maybe, and I -- I don't know how often
12 that's happened, but that has not been super
13 successful.

14 And the reason this is relevant to the
15 recommendation is that if you want to get a better
16 understanding of how many boreal caribou are in an
17 area, a key metric in those kinds of studies is sight
18 ability. You have to be able to not just see the
19 boreal caribou, but account for those that you may not
20 be seeing. And a very helpful way to do this is with
21 the use of collars.

22 So difficulties in finding animals to
23 collar would make it more difficult, expensive, time-
24 consuming to conduct further formal studies in this
25 area.

1 MS. CARRIE BRENEMAN: Carrie Breneman,
2 Dehcho First Nations. We have no further questions.

3 THE CHAIRPERSON: Questions,
4 Environment --

5 MS. CARRIE BRENEMAN: Oh.

6 THE CHAIRPERSON: -- and Climate
7 Change Canada?

8 MS. CARRIE BRENEMAN: Sorry. Sorry,
9 Madam Chair, I just have one (1) more question.

10 We were also wondering if you -- to go
11 back to an earlier slide, you had mentioned that the
12 risk of substan -- substantial increased harvest
13 mortality -- oh, sorry. It didn't have to do that.

14 We were wondering in -- when you looked
15 at this project, if you considered increased traffic
16 along the Liard Highway and morta -- direct mortality
17 to animals?

18 MS. ANDREA PATENAUDE: Andrea
19 Patenaude, Government of the Northwest Territories.

20 Yes, we did consider that, and the main
21 basis for not -- or -- or for supporting the idea that
22 increased direct mortality through collisions along
23 the Liard Highway would probably be unlikely is just
24 talking about the volume of traffic associated with
25 the project compared to likely what the volume of

1 daily traffic on that highway would be anyway. Thank
2 you.

3 MS. CARRIE BRENEMAN: Carrie Breneman,
4 Dehcho First Nations. We have no further questions.

5 THE CHAIRPERSON: Questions,
6 Environment and Climate Change Canada?

7 MR. BRADLEY SUMMERFIELD: Bradley
8 Summerfield, with Environment and Climate Change
9 Canada. We have no questions.

10 THE CHAIRPERSON: Questions, Fisheries
11 and Oceans?

12 MS. VERONIQUE D'AMOURS GAUTHIER:
13 Thank you, Madam Chair. Veronique D'Amours Gauthier,
14 with Fisheries and Oceans Canada. We don't have any
15 question.

16 THE CHAIRPERSON: Questions,
17 Indigenous and Northern Affairs Canada?

18 MS. MAUREEN FLAGLER: Thank you, Madam
19 Chair. Maureen Flagler, with Indigenous and Northern
20 Affairs Canada. We do not have any questions.

21 THE CHAIRPERSON: Questions, Liidlii
22 Kue First Nations?

23 MR. DEAN HOLMAN: Thank you, Madam
24 Chair. Dean Holman here, from LKFN. We have no
25 questions at this time.

1 THE CHAIRPERSON: Questions, Nahanni
2 Butte Dene Band?

3 MR. GARTH WALLBRIDGE: Garth
4 Wallbridge, for the Den -- Nahanni Butte Dene Band.
5 We have no questions, thank you, Madam Chair.

6 THE CHAIRPERSON: Questions, Natural
7 Resource Canada?

8 MS. VICTORIA THOMAS: Victoria Thomas,
9 with Natural Resources Canada. We have no questions,
10 thank you.

11 THE CHAIRPERSON: Questions, Parks
12 Canada?

13 MS. ALLISON STODDART: Allison
14 Stoddart, with Parks Canada. We have no questions.

15 THE CHAIRPERSON: Questions, Canadian
16 Zinc?

17 MR. DAVID HARPLEY: Dave Harpley. No
18 questions.

19 THE CHAIRPERSON: Questions, Board
20 staff or counsel?

21 MR. JOHN DONIHEE: Thank you, Madam
22 Chair. It's John Donihee. I just have one (1)
23 question. I just want to confirm or find out the
24 original WMMP, W-M-M-P, for the mine project came
25 about in 2012. The current version of the Wildlife

1 Act wasn't called into force until 2013. And the GNWT
2 has indicated there's going to be a -- a WMMP in -- in
3 association with the road project as well.

4 And I'm -- I'm just wondering whether
5 the -- the current framework for the -- this WMMP,
6 this monitoring plan, is -- is this going to be based
7 on or around Section 95 of the Wildlife Act?

8 MS. ANDREA PATENAUDE: Andrea
9 Patenaude, GNWT.

10 So under Section 95 of the Wildlife
11 Act, the Developer may be required to produce a WMMP
12 for approval by the minister if the minister is
13 satisfied that the project meets certain criteria
14 outlined in the Act.

15 The Minister -- so one (1) of the
16 useful things about this forum is being able to talk
17 about these mitigations. A determination officially
18 by the minister has not yet been made.

19 But as I made clear in the
20 presentation, that determination can actually be made
21 at any time. And the information provided in the
22 existing WMMP and through this process would go into -
23 - would be used by the minister to make that decision.

24 So one (1) of the benefits to working
25 through this process to create a robust WMMP is that

1 you may end up with a project that the Minister is
2 satisfied may not require one.

3 Having said that, GNWT does consider
4 this to be -- or does consider producing a WMMP to be
5 a best practice. And we would hope that a WMMP
6 provided would address all of the requirements of
7 GNWT, as well as other regulators with authority
8 around wildlife, for the purposes of ease and
9 transparency. Thank you.

10 Does that answer the question?

11 MR. JOHN DONIHEE: Thank you, Madam --
12 Madam Chair. It's John Donihee again. Thank --
13 thanks for that answer.

14 It seems to me then if a decision is to
15 be made later, and your evidence to the Board, at
16 least this afternoon's evidence to the Board, is that
17 there are no significant impacts. I guess I'm
18 wondering who you're making these recommendations to
19 in -- in this presentation that you've just given.
20 You've got one (1) here on harvest monitoring, one (1)
21 on collision risk, one (1) on collared pika.

22 So since you're not recomm --
23 suggesting there's any significant impacts that will
24 result to wildlife, your wildlife, GNWT's wildlife in
25 -- as a result of the -- the road project, how are

1 these recommendations going to be picked up?

2

3 (BRIEF PAUSE)

4

5 MS. ANDREA PATENAUDE: Andrea
6 Patenaude, Government of the Northwest Territories.

7 What we would expect that that they be
8 picked up is recommendations to the Developer. Thank
9 you.

10 MR. JOHN DONIHEE: John Donihee.
11 Sorry to belabour this. Have you made
12 these recommendations to the Developer, and what has
13 been their response to your suggestions?

14 I'm -- I'm assuming that if you're
15 still making them in your presentation to the Board
16 they are not yet resolved with the Developer, so what
17 -- what's the likelihood that these concerns will be
18 actually picked up and taken care of?

19 MS. ANDREA PATENAUDE: Andrea
20 Patenaude, Government of the Northwest Territories.
21 I believe I noted in the presentations
22 areas, like I said, that the technical submission has
23 addressed I think going forward -- I mean, they've
24 been responsive in that regard.

25 Going forward there may be -- there

1 will be discussion on some of the details. We would
2 like to work with the Developer on some of the details
3 behind those recommendations.

4 MR. JOHN DONIHEE: Thank you, Madam
5 Chair --

6 MS. LORRAINE SEALE: And -- Madam
7 Chair, it's Lorraine Seale.

8 If I could add to that answer, and --
9 GNWT will commit to clarify our review of the
10 Developer's technical response -- technical report
11 responses in our closing argument.

12 MR. JOHN DONIHEE: Thank you for that.
13 John Donihee. Just -- just one (1) final question
14 then about the WMMP issue.

15 Is -- is there only going to be one (1)
16 in the end, you know, that covers the mine and the
17 road or will there be two (2) separate ones with
18 respect to the GNWT's responsibilities?

19 MS. ANDREA PATENAUDE: Andrea
20 Patenaude, Government of the Northwest Territories.

21 I believe most -- well, not to speak
22 for other parties but I don't believe that ENR would
23 want to necessarily be having to look at twelve (12)
24 different plans. I think a plan would be easier for
25 everybody.

1 Having said that, we haven't exactly
2 entirely worked that out with other regulators on that
3 but -- so one (1) plan -- ENR would be looking for one
4 (1) plan. To the extent that we could comment and
5 have in force any requirements, those would -- we
6 would need to look to that with -- specific to our own
7 mandate. Thank you.

8 MR. JOHN DONIHEE: Thank you for the
9 answer.

10 Madam Chair, I'll invite my colleagues
11 down the table here to ask a couple of questions.
12 That's all the questions for counsel.

13 MS. ROBYN PADDISON: Robyn Paddison,
14 Review Board. We used harvest monitoring to
15 understand the effectiveness of access mitigations
16 under the Wildlife Mitigation and Monitoring Plan.

17

18 (BRIEF PAUSE)

19

20 MS. ANDREA PATENAUDE: Andrea
21 Patenaude, Government of the Northwest Territories.

22 Information about coming from harvest
23 monitoring would be a value of assessing the impacts
24 of the project. Having said that, the primary
25 discussions for how that harvest monitoring program

1 will unfold would be between Canadian Zinc and Nahanni
2 Butte Dene Band.

3 And we would basically hope to be
4 apprised of that as those go forward. Thank you.

5 MS. ROBYN PADDISON: Thank -- oh,
6 excuse me. Robyn Paddison, Review Board.

7 In its technical report the GNWT
8 recommended that Can Zinc provide support to Nahanni
9 Butte Dene Band to develop a harvest monitoring
10 program, as you just mentioned. Sorry, the Government
11 of the Northwest Territories said it was willing to be
12 a part of those discussions, as you just mentioned.

13 Are there any plans to collaborate with
14 Parks Canada agency in harvest monitoring?

15 MS. ANDREA PATENAUDE: Andrea
16 Patenaude, Government of the Northwest Territories.

17 There are no plans. However, there
18 have been no discussions, but we are willing to
19 discuss that potential. Thank you.

20 MR. MARK CLIFFE-PHILLIPS: Thank you,
21 Madam Chair. Mark Cliffe-Phillips, with the Review
22 Board.

23 Just a question following up on our
24 legal counsel's questions regarding the requirements
25 of a WMMP under section 95 of the Wildlife Act.

1 In terms of compliance and enforcement
2 of the WMMP that's being proposed by Canadian Zinc, if
3 there's not a requirement of a WMMP under the Wildlife
4 Act, under section 95, does GNWT have the authority to
5 enforce or -- or deal with compliance of the WMMP?

6

7 (BRIEF PAUSE)

8

9 MS. ANDREA PATENAUDE: Andrea
10 Patenaude, with the Government of the Northwest
11 Territories.

12 Correct, the enforce -- to the extent
13 that the content of the wat -- of the WMMP deals with
14 items that do not describe how other legislative
15 requirements will be met. So things that aren't
16 already part of the Act.

17 Those things would be enforceable if
18 it's required by the minister. Having said that, the
19 plan can be required at any time. Thank you.

20 MR. JOHN DONIHEE: Madam Chair, it's
21 John Donihee again. I guess there's a question
22 arising.

23 I want to suggest to you that in the
24 absence of a WMMP that's required under section 95,
25 that ENR has no enforcement responsibility or -- or

1 authority in relation to a WMMP.

2 Now, presumably if, you know, there's
3 some other offence created un -- or committed under
4 the Wildlife Act, of course you'd have authority over
5 that. But the practice in the past, before section 95
6 came into force in the new Wildlife Act, was for ENR
7 to go to land and water boards and request that at
8 least the habitat protection portions of these kinds
9 of matters be dealt with through land use permits.

10 And I suggest to you that with respect
11 to protecting the population, the wildlife animals
12 themselves, that in the absence of a WMMP under
13 section 95 there's really not much in the way of
14 enforcement possible.

15 Now, would you agree with that -- that
16 characterization?

17

18 (BRIEF PAUSE)

19

20 MS. LORRAINE SEALE: Madam Chair, it's
21 Lorraine Seale, from GNWT. We're just having a quick
22 caucus here.

23

24 (BRIEF PAUSE)

25

1 MS. ANDREA PATENAUDE: Andrea
2 Patenaude, Government of the Northwest Territories.
3 Yes.

4

5 (BRIEF PAUSE)

6

7 MS. KATE MANSFIELD: Kate Mansfield,
8 with the Review Board.

9 In a number of parties' technical
10 reports we saw recommendations that particular
11 commitments made by Can Zinc be incorporated into
12 future iterations of the WMMP. And, also, we've heard
13 an expression that parties wish to be involved in the
14 ongoing monitoring and mitigation of effects.

15 If the GNWT determines that there is no
16 requirement for a WMMP, how does the GNW re -- GNWT
17 recommend that public engagement in the review and
18 updating of the WMMP could occur?

19

20 (BRIEF PAUSE)

21

22 MS. ANDREA PATENAUDE: Andrea
23 Patenaude, Government of the Northwest Territories.

24 Well, we would submit that you don't
25 need a WMMP a cu -- to engage on monitoring and

1 effects monitoring.

2 Those mechanisms could also -- I mean,
3 a number of -- of developers do go out, engage with
4 communities when they're conducting studies. There
5 are -- if you are conducting studies, there -- you do
6 require a wildlife research permit that usually has
7 requirements for consultation and engagement.

8 So I see your point, and it's a good
9 question, but just to say, If a WMMP is not required,
10 that doesn't mean that public input and review
11 couldn't happen. Thank you.

12 MS. KATE MANSFIELD: Kate Mansfield.
13 Thank you. That's all the questions from Review Board
14 staff.

15 THE CHAIRPERSON: Questions from Board
16 members? Joe...?

17 MR. JOE HANDLEY: Joe Handley. I just
18 want to get some clarification. On -- on Wednesday,
19 if I can quote from your presentation, you said:

20 "GNWT notes that the public would
21 still be able to travel around the
22 leased parcels to public lands on
23 the far side of the parcels."

24 Then you went on to say:

25 "Travelling around the parcels to

1 gain access to the road is likely
2 more difficult."

3 I -- I'd like to have you clarify that,
4 for one thing. Is -- is it more difficult or is it
5 not more difficult?

6 The second is -- part of my question
7 is: If people -- and I realize you're not enforcing
8 the access to those parcels. But if people are
9 travelling there, how do you know whether they're
10 travelling with a camera, a gun, or whatever?

11 And if they shoot something on the
12 other side, then are you going to take their meat
13 away, or what's -- I don't know what legal right you'd
14 have if they just go hunting and don't tell you what
15 they're doing.

16 And I guess a third part of the
17 question: Would ENR continue to issue permits for
18 moose, for example, on that side, or would they use
19 the mine as way of per -- not permitting hunting
20 anymore?

21 So I'm a little confused about where
22 you stand on this.

23 MS. LORRAINE SEALE: Lorraine Seale,
24 GNWT. I heard three (3) questions in there.

25 The first was: Is access around the --

1 the leased parcels likely more difficult or more
2 difficult? Answer is more -- it is more difficult.
3 Or, I'm sorry, it would be seeing as those parcels
4 don't -- they're not -- those leases aren't in
5 existence.

6 And I'll now pass it off to Carl
7 Lafferty.

8 MR. CARL LAFFERTY: Good afternoon,
9 ladies and gentlemen. Carl Lafferty, ENR. I'm sorry,
10 Mr. Handley. Could you repeat the last two (2)
11 questions?

12 MR. JOE HANDLEY: Sorry. Joe Handley.

13 The -- one (1) part of it is: If
14 people are -- and I realize you're not the ones
15 enforcing access on those leased parcels from the
16 north shore. But if someone is just driving over
17 there, how do you know if they're going hunting or not
18 or they're just going to take pictures or have a
19 picnic and happen to shoot a moose on the other side?
20 That's one (1) question.

21 The -- the second part of that question
22 was: Would ENR consider or are you considering not
23 allowing hunting on -- on the road north -- from the
24 north side of the river all the way up, or is there
25 grounds for doing that?

(BRIEF PAUSE)

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MR. CARL LAFFERTY: Firstly, there is no conservation concern on that part of the river, as -- as I've been informed and I'm well aware. What we use in enforcement is a plain view doctrine.

So we see a harvester. He has equipment. He has antlers in the back of his truck. That would give us grounds to pull over and do a compliance check. Other than that, we -- we really don't have no mechanism -- actually, nobody does, neither RCMP -- unless there's some kind of grounds.

Would we allow hunting, or could we allow or just allow hunting on the other side of the river? I -- I don't think that would be possible. When we sell licences in the Northwest Territories and tags, that's for the Northwest Territories in its entirety with the exception of private lands. Thank you.

MR. JOE HANDLEY: Joe Handley. Yeah.

If -- just one (1) last clarification. If the hunter has got a set of antlers in the back of his truck, he's on his way back, it's kind of late then to -- and he's got a licence in his pocket, there really isn't anything you can do. He's -- he's hunted legally.

1 He's on the north side up the road somewhere but he's
2 on his way back. He's got his meat.

3 So it's -- I don't -- I just don't
4 understand how this is going to -- to only increase
5 hunting insignificantly.

6 MR. CARL LAFFERTY: Well, we do have a
7 provision in the Wildlife Act with respect to wastage,
8 so we would of course during the compliance check
9 inspect the -- the amount of meat that the harvester
10 has. Identify portions, and maybe clearly identify
11 the portions that are maybe missing, and that would
12 lead us to maybe, you know, commence into an
13 investigation.

14 We run into this a lot. Harvesters
15 regularly go into the Mackenzie mountains. Now, it's
16 expensive and it's -- it's not a common occurrence.
17 When there was outfitting out there, there was
18 conflict between the licence outfitters and resident
19 hunters. But again, it's cost-prohibitive.

20 Having said that, access on this road
21 of course is going to change everything. We -- we
22 know that. But again when we sell licence in the
23 Northwest Territories, they are valid in the Northwest
24 Territories. Thank you.

25 THE CHAIRPERSON: Questions from Board

1 members?

2 MS. LORRAINE SEALE: Oh, excuse me,
3 Madam Chair. I just had a --

4 THE CHAIRPERSON: Sorry.

5 MS. LORRAINE SEALE: -- it's Lorraine
6 Seale, from GNWT.

7 I had a further clarification on the
8 first question in terms of whether it would be more
9 difficult to go around the lease parcel versus across.
10 I was referring to the physical difficulty in that the
11 lease parcel would have a constructed road across it,
12 and there would not be a constructed road in order to
13 go around the lease parcel.

14 And as we mentioned earlier, we -- we
15 are still planning -- need to have a follow-up
16 conversation with the Developer on the details around
17 their work with Nahanni Butte in terms of the right to
18 exercise access control on that lease parcel.

19 THE CHAIRPERSON: Questions from Board
20 members?

21 MR. DAVID KRUTKO: David Krutko.

22 Just from your presentation I sort of
23 get the feeling that the Government of the Northwest
24 Territories doesn't have much by way of baseline data
25 or information by coming up with these conclusions.

1 So I'm just wondering what are you going to do to
2 compile that information?

3 Talking to Parks Canada, they've
4 started a collaring program two (2) years ago. They
5 were already starting to see results. So I'd just
6 like to know from the GNWT what are you doing to
7 develop a baseline data project on this specific
8 project so that you have a baseline going forward?
9 And I'd like to know what baseline did you use to come
10 to the conclusions that you have in this report?

11

12 (BRIEF PAUSE)

13

14 MR. DANNY LAIR: Hi. It's Danny Lair,
15 from the Environment and Natural Resources.

16 We've -- we've been compiling collared
17 data in the Dehcho since 2004 and -- but this -- this
18 area that's -- that's in question is on the edge of
19 the range so we don't have any collar data specific to
20 that area because we -- we couldn't collar caribou
21 there. So we tried a couple of times at the request
22 of the Nahanni Butte Dene Band, but we -- we weren't
23 successful.

24

25 (BRIEF PAUSE)

1

2

MR. DAVID KRUTKO: David Krutko,

3

again.

4

Have you tried other types of
collecting data, such as aerial photos which is used
with other herds in the Northwest Territories?

7

MS. ANDREA PATENAUDE: Andrea

8

Patenaude, Government of the Northwest Territories.

9

Just -- we're talking about the -- the
boreal caribou -- woodland boreal caribou, and Parks
Canada is mostly working on the mountain caribou, so
the -- as Danny suggested there is baseline data for
the Dehcho region. They've been running their
monitoring program for several years, and through the
presentation and what he just said that portion that
overlaps with the project area -- that portion of the
boreal caribou range that overlaps with the project
area, you know, we've tried to collar.

19

There haven't been that many caribou
seen to collar, which is an important step in trying
to get a sense of how many there might be there.

22

Have we tried other methods in that
area, I'll pass that to Danny Allaire.

24

MR. DANNY ALLAIRE: We've done moose
surveys in the same area, and bison surveys. And

25

1 while -- while doing the surveys, we haven't seen any
2 caribou near the mountains. They're more towards
3 Antoine Lake. That's probably about 40 kilometres on
4 the north side of the Liard River.

5 And we've done multiple annual moose
6 surveys there, and I've personally flown that area a
7 lot, and I've -- I've seen tracks, but very, very far
8 from the mountains, and nowhere near the -- where the
9 road is going to be.

10 THE CHAIRPERSON: Questions from Board
11 members? Bertha...?

12 MS. BERTHA NORWEGIAN: Thank you,
13 Madam Chair. Bertha Norwegian. I'm on slide number
14 13 regarding the socio-economic agreements. On bullet
15 number 13 -- or sorry, bullet number 2, it reads as
16 follows:

17 "The Prairie Creek Mine Project
18 Socio-Economic Agreement was signed
19 during the environmental assessment
20 for the Prairie Creek Mine."

21 Now, am I to understand that this
22 agreement was signed between the GNWT and Prairie
23 Creek Mine?

24 MS. DIANNA BECK: Dianna Beck, GNWT.
25 Yes, that is correct.

1 MS. BERTHA NORWEGIAN: Okay. Good.

2 And on the very last bullet, it says:

3 "Both the GNWT and Canadian Zinc are
4 committed to continuing to work
5 collaboratively to ensure that
6 commitments in the socio-economic
7 agreement are achieved."

8 Now, we know that the -- there are a
9 lot of needs for jobs and needs for economic well-
10 being in our region. It doesn't specifically identify
11 what kinds of commitments are written up in this
12 socio-economic agreement.

13 So can you -- can you give us some
14 examples?

15 MS. DIANNA BECK: Dianna Beck, GNWT.

16 Some of the commitments include things
17 like hiring priorities for the employment
18 opportunities that the project will provide. There
19 will -- positions will be considered under those
20 hiring priorities.

21 The same priority purcha -- there's a -
22 - a section for purchasing priority as well. There's
23 also clauses for things such as minimum numbers of
24 training opportunities that the project will provide
25 and for the duration of the project. There's quite --

1 there's lots in there.

2 So do you have specifics that I might
3 be able to add to?

4 MS. BERTHA NORWEGIAN: No, that's --
5 that's a good start. Thank you. I just wanted to
6 touch on a couple of more points.

7 Is there a specific agreement with
8 respect to women in trades and non -- or non-
9 traditional trades and occupations included in that
10 agreement?

11

12 (BRIEF PAUSE)

13

14 MS. LORRAINE SEALE: It's Lorraine
15 Seale, with GNWT. Dianna is just pulling up the
16 section of the agreement that relates to gender
17 equity.

18 MS. DIANNA BECK: Dianna Beck, GNWT.
19 Under Section 4.9 includes promoting equality, equal
20 opportunity, which does address that issue.

21 MS. BERTHA NORWEGIAN: Okay. Thank
22 you very much. One (1) final question. Is -- one (1)
23 of the really important things not only to the Nahanni
24 Butte Dene Band, but certainly to Liidlii Kue First
25 Nations and other communities in the region is the

1 spinoffs for small businesses in our communities.

2 Are there any socioeconomic agreements
3 with respect to the small businesses in our
4 communities?

5 MS. DIANNA BECK: Dianna Beck, GNWT.
6 Can I ask clarification if you mean by the spinoff
7 benefits? Is that the subcontractors of main
8 contractors in the project?

9 MS. BERTHA NORWEGIAN: Thank you.
10 Bertha Norwegian. Yes, it's clo -- main contractors,
11 subcontractors, small businesses.

12 MS. DIANNA BECK: Dianna Beck, GNWT.
13 Yes, the socioeconomic agreement does address those.
14 It goes beyond the main contractors to the
15 subcontractors. Any type of procurement that --
16 procurement services or supplies for the project.

17 THE CHAIRPERSON: Questions, Board
18 members?

19 MS. YVONNE DOOLITTLE: That slide that
20 you had -- sorry, it's Yvonne Doolittle. The slide
21 that you had in -- that talked about the ranges and
22 the -- it was yellow and blue, there was a lot of --
23 and -- and you did note that you guys were considering
24 changing, you know -- and I don't know if you meant by
25 zones or by regions, but there's a lot of -- not that

1 one. The one with the -- where the caribou are --
2 there's -- or human activity. That one, yes.

3 So if you noticed, close to where the
4 white spot is where the mine is where you don't have
5 data -- and hopefully once you do some -- if -- if
6 they do do the studies as -- as suggested, it'll move
7 there, but if you change and create zones or regions
8 just based -- like, let's say if they -- if it's that
9 yellow close to where the road will be, or the
10 beginning of the road, if it's that close over there,
11 yellow, would that change and trigger a lot of other
12 things for -- for how you monitor or how you manage
13 the boreal caribou?

14 MS. ANDREA PATENAUDE: Andrea
15 Patenaude, with the Government of the Northwest
16 Territory.

17 So there are no boreal caribou in the
18 white. This is a map of -- so the green and the pink
19 and the yellow lines, that is the boreal caribou
20 range. The road -- here, you had the area. The road,
21 which begins at the -- the mine, would be in the
22 white. That would be mountain car -- mou -- woodland
23 mountain caribou, right, and so Parks Canada has been
24 taking care of that mostly.

25 Does that answer your question?

1 MS. YVONNE DOOLITTLE: Yvonne
2 Doolittle.

3 Well, it helps clear it up a bit more
4 that you actual have -- so -- so the area -- because
5 it's so small, I guess, then, you can't see where the
6 road is, because generally that area, there's a lot of
7 yellow.

8 If you do you change how you -- your
9 range levels, what potentially would that mean for
10 management or monitoring?

11

12 (BRIEF PAUSE)

13

14 MS. ANDREA PATENAUDE: Andrea
15 Patenaude, Government of the Northwest Territories.

16 If I'm understanding the question
17 correctly, you're trying to understand how changes in
18 disturbed habitat would be monitored and managed
19 locally, like, within -- no, okay. Try again.

20 MS. YVONNE DOOLITTLE: I'll try again,
21 sorry. It's Yvonne Doolittle.

22 So you were saying, like, if you notice
23 there's lots of big -- and there's no yellow in other
24 places, so you're -- you -- you said in your
25 presentation that ENR is looking at changing how they

1 -- the range levels are, right? So how would that
2 affect -- since you were saying it's heavily -- it's a
3 lot more dense, yellow, in the Dehcho, so that's what
4 I'm just trying to understand.

5 Like, I don't know if you guys have
6 gone that far yet to think about that, but it's a lot
7 more yellow than it is, like, let's say, up in the
8 Delta, right? So noticing that, I would say that it's
9 very yellow in the Dehcho, very yellow in this area
10 for -- so you would definitely see maybe some
11 different levels of management or monitoring changing.

12 What would that look like?

13 MS. ANDREA PATENAUDE: Andrea
14 Patenaude, with the Government of the Northwest
15 Territories. I think I get it. Thank you. And it's
16 a good question, and, yes, we've been thinking about
17 it very closely.

18 The Government of the Northwest
19 Territories is in the process of developing a
20 framework for range planning in order to meet our
21 obligations through the recovery -- the federal
22 recovery strategy for boreal caribou.

23 We're required to show how we are going
24 to meet the target, the 65 percent undisturbed habitat
25 target, throughout the boreal caribou range. And,

1 correct, there are differences regionally in the level
2 of anthropogenic disturbance that we see.

3 For the time being, the GNWT believes
4 it's going to go ahead and -- and manage the whole
5 range on the basis of regional plans. This is
6 something that we've said before, and likely, when we
7 start to develop those regional plans, the priority
8 will be to start looking at the southern portions of
9 the range because those are the ones that are either
10 already kind of over that.

11 The extent to which there will be
12 flexibility among regional plans for managing that --
13 because you are correct, in the northern part of the
14 range there really isn't as much disturbance. How
15 that is going to be managed, how that's going to
16 factor in in relation to fire and natural variation of
17 fire, these are all questions that GNWT has been
18 thinking -- ENR has been thinking very hard about.

19 And so we're in the process right now
20 of developing a framework to look at how decisions
21 will be made to maintain that 65 percent. And so I
22 don't have any answers for you because there's a
23 framework that's being developed within GNWT.

24 And the -- the hope -- well, the goal -
25 - or we should have a framework that will be ready for

1 public review and consultation on that in the fall,
2 fall 2017. And so I guess, yeah, more details would
3 be forthcoming on that. But the government is
4 currently trying to figure out how it wants to
5 approach that. Thank you.

6 THE CHAIRPERSON: Okay. To the
7 question -- or to the presentation, Liidlii Kue First
8 Nations, you had your hand up there.

9 MR. DEAN HOLMAN: Sorry. Thank you.
10 I have a couple of questions.

11 One (1) is: In terms of areas that are
12 greater than 500 metres from human disturbance
13 footprint, how does -- or what is that based on? What
14 information is that based on?

15 Is there -- I'm -- I'm just wondering
16 about this because, in terms of our traditional use
17 areas, is that part of the information that you're
18 using? Are you using CABIN data or what's the --
19 what's actually in that disturbance footprint data?

20 MS. ANDREA PATENAUDE: Andrea
21 Patenaude, Government of the Northwest Territories.

22 So that -- the environment -- and maybe
23 somebody from ECC (sic) would prefer to comment on it,
24 but the 500-metre -- I mean, there is literature that
25 demonstrates that boreal caribou avoid linear

1 features.

2 And the -- I -- I don't actually -- I
3 can't speak to the technicalities of how Environment
4 Canada came to the conclusion that 500 metre was the
5 buffer. I probably should know that, but I don't have
6 that answer for you right now. We could ask them, but
7 there is literature to show that they avoid.

8 And, I mean, likely you might have
9 different avoidance for different types of
10 development. But 500 metres was applied, and when
11 they were looking at disturb -- when they were testing
12 the relationships in terms of I believe -- I can't
13 remember if it was calf survival and proportion of the
14 range that has disturbance habitat. They were basing
15 that on Landsat imagery. So satellite imagery.

16 So that sees things on the landscape at
17 a certain resolution, but there would be other
18 features on the landscape that have come up since
19 those Landsat images were taken. I don't know if that
20 answers your question.

21 MR. DEAN HOLMAN: It -- thank you,
22 Madam Chair, Dean Holman, from Liidlii Kue.

23 It -- it doesn't really touch on my
24 question. I'm wondering what -- what specific data is
25 in their dataset there. Whether they -- you know,

1 what I'm trying to determine here is -- is the type of
2 human disturbance. There's many different types. We
3 -- there's linear disturbance. There's, you know,
4 CABIN data. There's a number of different
5 anthropogenic disturbance -- I guess types of
6 disturbance out there. Masi.

7

8 (BRIEF PAUSE)

9

10 MS. ANDREA PATENAUDE: Andrea
11 Patenaude, Government of the Northwest Territories.

12 So...

13

14 (BRIEF PAUSE)

15

16 MS. ANDREA PATENAUDE: Sorry. It
17 would include everything that could be seen at a scale
18 of -- there is a scale -- at a certain scale that I
19 don't know off the top of my head of -- from the
20 Landsat imagery taken.

21 So it would include -- yeah, just
22 linear features. Anything that's visible from a
23 certain scale. So that would include mines. That
24 would include roads. That would include seismic
25 lines. If a CABIN happen to have a number of clearing

1 -- oh, thank you -- at a one (1) to ten thousand (10)
2 scale.

3 And so that's based -- no -- no, no,
4 one (1) to fifty thousand (50,000) scale. Thank you.
5 Based on Landsat imagery from 2008 to 2010. And we
6 have added to -- since that GNWT has been tracking
7 changes adding fires that have occurred since then,
8 and any anthropogenic -- anthropogenic disturbances
9 since then.

10 So we work off of the same imagery that
11 ECC uses, and we have been adding in our calculations
12 to that based on footprints of new developments that
13 come up, and fire. So it would not just be CABINs,
14 and anything like that.

15 MR. DEAN HOLMAN: Thank you, Madam
16 Chair. I have one (1) more question to the GNWT.
17 It's Dean Holman, from Liidlii Kue First Nation.

18 In terms of -- in terms of your
19 comments -- or indication on no significant impacts to
20 moose, LKFN -- or Liidlii Kue supports the Nahanni
21 Butte Dene Band's monitoring initiative in terms of
22 control of access into the -- into the area. As a
23 measure -- a mitigation measure to reduce impacts or
24 eliminate impacts to moose, I'm just wondering how the
25 GNWT -- because -- because the GNWT is asserting that

1 monitoring should occur but is also saying that there
2 is no significant impacts.

3 And so I see that as being of great
4 concern considering that it seems to be a very big gap
5 in the GNWT's data sets. So that's I guess my -- my
6 question is -- is how -- how is the GNWT discerning
7 that there is no impacts to moose, or low impacts to
8 moose because we consider any access into the Park by
9 hunting -- and this is -- I -- I can give the -- the
10 Liard Highway as an example.

11 Unsupervised access into the Dehcho
12 region, they don't have to -- literally they don't
13 even have to come into Liidlii Kue in order to go
14 hunting on the Liard Highway. So there -- you know,
15 that has caused a lot of dissension amongst the people
16 here but it also indicates that without limiting
17 access, that there will be increased hunting, and
18 that's something that we have observed. Masi.

19 Sorry, Dean here again. Just for
20 clarification, we see that as a -- a serious adverse
21 impact.

22

23 (BRIEF PAUSE)

24

25 MS. ANDREA PATENAUDE: Andrea

1 Patenaude, with the Government of the Northwest
2 Territories. Thank you for the question.

3 And definitely, we hear the concern. I
4 think with respect to moose, I -- as the -- the
5 comment we made earlier, that we would expect some
6 level of increased harvest as a result of the road
7 still applies here, of course.

8 But based on ENR surveys of moose in
9 that area, densities appear to be relatively stable.
10 There hasn't been a lot of change. There is not a
11 conservation concern related to moose at this time.

12 And so while some of -- while some of
13 the comments and concerns that you have are definitely
14 valid, that would be the reason why we support harvest
15 monitoring, because, yes, there'll be changes. And if
16 monitoring identifies that the changes are getting --
17 if it identifies that there -- we need to start
18 looking more closely at that, that is something we can
19 do in the context of -- of adaptive management. Thank
20 you.

21 MR. DEAN HOLMAN: Dean Holman, from
22 Liidlili Kue First Nation. We have no more questions
23 at this time. Thank you.

24 THE CHAIRPERSON: Okay, thank you.
25 Before we go into the next presentation, I'd like to

1 call a -- a real short break, ten (10) minutes and no
2 more. I want to be cognizant of Nahanni Butte for
3 their presentation that's coming on further down. I
4 believe some parties of Nahanni Butte are going to
5 leave at five o'clock, so I would just like to make
6 everyone aware of that time frame. Ten (10) minutes.
7 Thank you. Thank you, GNWT.

8

9 --- Upon recessing at 3:16 p.m.

10 --- Upon resuming at 3:39 p.m.

11

12 THE CHAIRPERSON: If we could have the
13 next presenter at the table, Indigenous and Northern
14 Affairs Canada.

15

16 (BRIEF PAUSE)

17

18 PRESENTATION BY INAC:

19 MR. MIKE ROESCH: Thank you, Madam
20 Chair. Mike Roesch, for INAC. And I am joined today
21 by colleague Maureen Flagler.

22 We just have some very quick points
23 with respect to closure and reclamation. In our
24 original technical report we had asked Can Zinc to
25 consider the guidelines that are on the Board's site

1 when developing their plan, and we now know that the
2 draft of that plan is complete.

3 Some recent dialogue with Canadian Zinc
4 has made a request of us to consider -- or the
5 potential to consider leaving some of the aspects of
6 this development in place after closure and
7 reclamation. And I -- I guess specifically we're
8 talking about roads.

9 There is a precedent for amendments to
10 closure and reclamation plans in the north to leave
11 some developments behind, so specific to the IAB lot
12 we're willing in principle to consider leaving some
13 roads behind or even the barge landing site, but only
14 if the Nahanni Butte Band consents to that process.

15 It would also possibly require some
16 consultation with the Government of the Northwest
17 Territories who have a stretch of road before the IAB
18 lot getting there. And all that being said, we're
19 talking about closure and reclamation, so we're
20 talking twenty (20) years down the road. We don't
21 expect that Canadian Zinc will have to ask that
22 question to us, because we don't anticipate being the
23 land holder at the time that this closes.

24 That's all we have to say for closure
25 and reclamation. Thank you.

1

2 QUESTION PERIOD:

3

THE CHAIRPERSON: Okay. Thank you.

4

To the presentation, questions, Dehcho First Nations?

5

MS. CARRIE BRENEMAN: Carrie Breneman,

6

Dehcho First Nations, we have no questions.

7

THE CHAIRPERSON: Questions,

8

Environment Canada and Climate Change?

9

MR. BRADLEY SUMMERFIELD: Bradley

10

Summerfield, with Environment and Climate Change

11

Canada, we have no questions.

12

THE CHAIRPERSON: Questions, Fisheries

13

and Oceans?

14

MS. VERONIQUE D'AMOURS GAUTHIER:

15

Thank you, Madam Chair. Veronique D'Amours Gauthier,

16

with Fisheries and Oceans Canada.

17

We don't have any question.

18

THE CHAIRPERSON: Questions,

19

Government of the Northwest Territories?

20

MS. LORRAINE SEALE: Thank you, Madam

21

Chair. Lorraine Seale, GNWT. No questions.

22

THE CHAIRPERSON: Questions, Liidlii

23

Kue First Nations?

24

MR. DEAN HOLMAN: Thank you, Madam

25

Chair. Dean Holman, Liidlii Kue First Nation. We

1 have no questions at this time. Masi.

2 THE CHAIRPERSON: Questions, Nahanni
3 Butte Dene Band?

4 MR. GARTH WALLBRIDGE: Thank you,
5 Madam Chair. Garth Wallbridge.

6 One (1) question, just so I'm clear --
7 or we are clear on this, the possible amendment to the
8 closure plan down the road, assuming the Band might
9 want to actually maintain the road at that point, if
10 that's thirty-five (35) or forty (40) years from now
11 we could seek an amendment at that point, when a
12 decision is made on our behalf.

13 Would that be correct?

14 MR. MIKE ROESCH: Mike Roesch, for
15 INAC.

16 That is correct. That is correct. We
17 would anticipate that the plan will show full
18 remediation of the site in it's -- when it's completed
19 and we wouldn't look for any amendments until the end.

20 MR. GARTH WALLBRIDGE: Very good.
21 Thank you.

22 THE CHAIRPERSON: Questions, Natural
23 Resources Canada?

24 MS. VICTORIA THOMAS: Victoria Thomas,
25 with Natural Resources Canada. We have no questions.

1 THE CHAIRPERSON: Questions, Parks
2 Canada?

3 MS. ALLISON STODDART: Allison
4 Stoddart, Parks Canada. We have no questions.

5 THE CHAIRPERSON: Questions, Canadian
6 Zinc?

7 MR. DAVID HARPLEY: It's Dave Harpley.
8 I have a little bit of an issue with the last
9 paragraph as written, given that it's our plan in the
10 first place.

11 If Nahanni -- it's my -- my impression
12 that if hanni -- Nahanni has kind of made a position
13 already regarding their intent to have a portion of
14 the road left, then our closure plan that we revise
15 and submit as part of the process, permitting process,
16 I would assume would incorporate that as a given.

17 So I'm not sure that an amendment would
18 then be necessary. This is maybe an issue to come at
19 the -- the regulatory stage, but that's my -- off the
20 top of my head kind of feeling on this, which I must
21 admit I hadn't -- hadn't noticed this particular
22 comment before.

23 It's maybe an oversight on my part, but
24 I'm just not sure the process is correct, that's all.
25

1 (BRIEF PAUSE)

2

3 MR. MIKE ROESCH: Sorry, Mike Roesch,
4 for INAC. In order to approve the plan, which you're
5 correct, will come through the regulatory stage, we
6 would need to see a plan that, from the beginning,
7 shows the reclamation of the site, including the IAB
8 lot.

9 MR. DAVID HARPLEY: Dave Harpley.
10 Well, I guess we can just discuss it further. I'm
11 just unsure on the process in that -- at this point.

12 MR. MIKE ROESCH: Mike Roesch. We
13 would agree to discuss that further with Canadian
14 Zinc.

15 THE CHAIRPERSON: Questions from legal
16 counsel or Board staff?

17 MR. MARK CLIFFE-PHILLIPS: Thank you,
18 Madam Chair. Mark Cliffe-Phillips, with the Review
19 Board. We have no questions.

20 THE CHAIRPERSON: Questions from Board
21 members?

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Thank you for your

1 presen -- presentation.

2 MR. MIKE ROESCH: Thank you, Madam
3 Chair.

4 THE CHAIRPERSON: Our next
5 presentation is Dehcho First Nations.

6

7 (BRIEF PAUSE)

8

9 THE CHAIRPERSON: I believe we're
10 waiting for the Grand Chief. Is that what we're
11 waiting for? Okay. And I think he's lost. I see.
12 Someone just went outside to look and he's gone.

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: Sorry abi -- about
17 that, but they'll put out a search warrant for the
18 Grand Chief. And we're just conferring with Nahanni
19 Butte if they would like to be the next presenters.

20

21 PRESENTATION BY NAHANNI BUTTE DENE BAND:

22 MR. GARTH WALLBRIDGE: Indeed, we are
23 -- we are able to proceed at this point, Madam Chair.
24 Garth Wallbridge on behalf of the Nahanni Butte Dene
25 Band.

1 First off, let me thank -- on behalf of
2 the Chief, council, and the people of Nahanni Butte,
3 thank the Board for coming out this week, both to
4 Nahanni Butte and here in the community, in the region
5 most affected and in the community most affected.
6 It's been helpful to understand and to hear from you
7 and the experts involved in this process.

8 Secondly, let me particularly, on a --
9 at a personal level, thank your professional staff who
10 have been most kind and gracious through the week in
11 helping me, not having been at one of these exact
12 hearings before, understand the process. That's been
13 most appreciated, and -- and the cooperation of the
14 Board itself in that manner as well.

15 Knowing that we can submit written
16 conclusions and -- and argument based on what we've
17 heard in the past week, we will do so within the time
18 -- I think it's May the 24th, Mr. Donihee put on the
19 Board earlier. We'll have a presentation we'll send
20 in on that. And hence, we -- or at least I, at this
21 point, do not need to go into any great length on
22 reviewing a few bits of the evidence that I've been
23 asked to do with you.

24 Having said that, and in appreciation
25 of the lateness of the day and the fact that we're

1 ending the week, the Chief, one (1) of the
2 councillors, one (1) or two (2) of the Elders want to
3 each say a -- a moment two (2) of their thoughts to be
4 sure that they're on the record as we're finishing up.
5 And then there will be one (1) sort of group comment.

6 And so, with that, I would turn the
7 microphone over to the Nahanni Butte Dene Band Chief
8 Peter Marcellais.

9 CHIEF PETER MARCELLAIS: Okay. Chief
10 Peter Marcellais, from Nahanni Butte Dene Band.

11 I'd just like to thank everybody for
12 welcoming us here. This is an important day for me
13 and my -- my people, and my Elders. When we first
14 heard about Canadian Zinc a long time ago, we've been
15 dealing with Canadian Zinc for the longest time, we
16 kept putting it off, putting it off.

17 A couple years ago we had a meeting,
18 and the people just said: Go ahead. Let's -- let's
19 see where we go. And how it goes. Now, before we
20 came here we -- we went -- me and my councillor,
21 Jayne, we went around and talked to a few Elders.
22 They said, well, let's put the road through, because
23 they want to see it while they're still here with us
24 on this Earth, and they want to see what kind of
25 problems it comes up with so they can deal with it

1 while they're still here with us. That was the whole
2 reason behind it, so.

3 And all the issues related to the --
4 the road -- the access road to the Canadian Zinc, we
5 were thinking of putting up a gate on our IBA lands
6 that goes into Canadian Zinc so we can have control of
7 who -- who goes in and out of our -- our IBA lands.

8 And another thing we're thinking about
9 was a couple years ago on the news, it said that they
10 had a lot of suicides among the youth in southern
11 Canada. So we decided then that we had to do
12 something about the youth, because I -- I don't want
13 to go through what -- what's happening down -- down
14 south in the communities.

15 That would be so painful to go through,
16 stuff like that, so that's why we decided to put a
17 youth camp somewhere around the second gap. But we
18 still haven't decided yet, but the whole reason behind
19 that was to put a youth camp where all the Dehcho
20 region and other regions can send their youth to have
21 a youth camp. That's whole reason behind it.

22 So if we have a youth camp out there,
23 they're going to be on the land pretty much every day,
24 so we cut off all hunting altogether in that -- in --
25 in that area, because they're going to be on the land

1 24/7, learning our tradition, our way of life, our
2 language. Everything will be tied to that youth camp.
3 That's why we -- that's where we're going.

4 And that's why we -- we want to go
5 ahead with the all -- all-weather road to the Canadian
6 Zinc mine. And I've got Jayne, and Francis, and Leon
7 will -- will fill in the rest. Okay. Masi. Thank
8 you, everybody.

9 MS. JAYNE KONISENTA: Jayne Konisenta,
10 Nahanni Butte Dene Band.

11

12 (PORTION NOT INTERPRETED FROM SOUTH SLAVEY INTO
13 ENGLISH)

14

15 (INTERPRETED FROM SOUTH SLAVEY INTO ENGLISH)

16

17 MS. JAYNE KONISENTA: We've gathered
18 here. We -- we been talk -- we wanted to put the road
19 through so -- so that we can -- we can have
20 employment. And in regards to the environment, we're
21 always taking care of that. And -- and what --
22 whatever we work at in our surrounding area, we really
23 review it well.

24 And in regards to putting the road, we
25 -- we really -- we really check it out before we put

1 it through. How many years we've been this at. It is
2 2017. We could --we need a lot of -- we need a lot of
3 equipment. There's a hundred -- we have a hundred and
4 fifty (150). In Nahanni Butte, we only have ninety-
5 five (95) people. At our school, we only have two
6 (2), three (3), little students. All our relatives
7 have gone and moved over with their children. So
8 that's because our community has -- has no work.

9 There's only ninety (90) of us. And
10 then there's only thirty-five (35) of us -- of us came
11 here, so -- so we have a couple of boys. And then --
12 and cats are left in our community, so it -- it is
13 little but com -- it -- it's a little bit com --
14 comical. If my grandfather was here we would laugh at
15 us.

16 We -- we want to create employment for
17 our children, for our -- for our young women and men.
18 We -- we -- we're just trying to create a youth camp
19 and get -- you're really creating a situation for us.
20 We've been talking and talking. How many years we've
21 been doing this again. We just want a bit of
22 employment, and yet -- and yet -- and we have to
23 really have a great discussion amongst one another,
24 and then another -- another three (3) months, and then
25 another five (5) months, and it -- it depends on the

1 minister, whether he says 'yes' or 'no'.

2 And are we -- we're going to wait
3 another six (6) months. (SOUTH SLAVEY SPOKEN). So
4 where we live we have to pay for our household bills,
5 power, internet, and a lot of things we have to pay
6 for, however, the people that are living in our
7 community.

8 There is no employment for them. Where
9 are they going to go to, ECE? We don't use -- utilize
10 ECE with the commu -- all the people living in our
11 community, they all work. We -- we don't -- don't use
12 the ECE. We weren't raised that way. We were -- we
13 were -- we've been living on working for our self. We
14 can't just stand in front of ECE to get money handed
15 over to us. We weren't raised that way.

16 We -- we work for our self. We buy
17 things for our self, pay things for our house. That's
18 how we live. In Nahanni Butte, our community, it's
19 been there since 1980 -- 1980. And there's -- I'm
20 living in one (1) of the community -- in a building
21 that's not very good.

22 So if we were going to say something,
23 it'd be a big -- a big thing, but we want to go ahead.
24 But it's seems -- it seems that -- it seems they're
25 blocking us in every which way, and we want to work on

1 our land, yet they're holding things back from.

2 So in regards to putting the road,

3 Peter said that we're doing it for our children.

4 We're doing it for the future. And we're not doing --

5 we're not doing this for tomorrow, it's for the

6 future.

7 We -- we're tired of things the way

8 they went. And this is what we want to do. That's

9 why we are here. If we don't really serious about it,

10 it's -- it's on us. We're going to continue striving

11 to live. Thank you.

12

13 (INTERPRETATION CONCLUDED)

14

15 MR. GARTH WALLBRIDGE: Garth

16 Wallbridge. Madam -- excuse me, Madam Chair, if we

17 might ask for a microphone for the Elders. Perhaps

18 it's already on the floor.

19

20 (BRIEF PAUSE)

21

22 (INTERPRETED FROM SOUTH SLAVEY LANGUAGE INTO ENGLISH)

23

24 ELDER LEON KONISENTA: He said I'm

25 very happy that we all gather here all this week and

1 looking at everything from the past and when they talk
2 about Prairie Creek. I had worked with them in the
3 past for ten (10) years. An if they're going to put
4 the road through, it's that the people of Nahanni
5 Butte had -- they're the ones that should be
6 monitoring on the road.

7 And prior to when I was working with --
8 back in 1972, that was when they first started with
9 Canadian Zinc. Prior to they closed the mine. But
10 shortly after that they move there and they move over
11 here to the community. This is where all the jobs
12 were held.

13 But prior to, even though we wanted
14 some jobs, there was really nothing available around
15 us. And so if they put their road through we are the
16 ones that need to monitor the road because it's placed
17 on our land. And our Elders have indicated that to
18 us. They were all raised out in the land and then
19 they all talk about the animals, about where they
20 migrate, and they know everything about the land.

21 And so they know everything, all the
22 place names for all the area. And our Elders know
23 where all their traditional trails are and they know
24 exactly how they lived on the land, so they were very
25 closely connected to the land and they know exactly

1 where everything is placed.

2 So when we talk about the animals of
3 our land we need to talk to our Elders and we need our
4 Elders to sit on the Board. This way they would know
5 exactly what we're talking about. They would be able
6 to help out as well. And now there are a lot of
7 children that continue going to school and who are --
8 that graduate out of high school. There is no jobs
9 available for them in the community.

10 I have worked ten (10) years at the
11 mine and I know it's done on my land, so I want to
12 know exactly what's happening on the land. So 1975 to
13 1992, that was the years that I worked with them out
14 at Canadian Zinc. And prior to that, after they moved
15 over here, that was the reason why I quit my job.

16 But I'm still continuing to work with
17 them. But this is our Elders. That's -- this is our
18 land and we really truly respect our land. And
19 wherever the land, wherever the water that's running
20 the areas, those are all the areas that we respect
21 very highly. So it it'll be very nice we had an Elder
22 with then. This way he can help them monitor the
23 waterways, and everything out on the land.

24 And even myself too. I have learn a
25 lot of things for the many years that I had worked

1 with the members out in the mountains. So I know they
2 work very well and they're very respectful. And once
3 they put that road through I know -- and they don't
4 really have that much equipment that is going to go
5 very heavily out on the highway.

6 I mean, once they put the road through.
7 So -- so this way the local people from Nahanni Butte
8 can monitor the -- the road in an area where they're
9 going to put the winter road. And so it seems to me
10 like everything sounds really well.

11 And like I say, I have worked with
12 Canadian Zinc for a number of years. And I know that
13 once they're going to get their paper for doing other
14 work on the highway, it's probably going to take
15 another ten (10) years or so. But it'd be very nice
16 if our elders that are still here with us, they'd like
17 to see their road to be opened while they're still
18 here with us.

19 So this is all the information I'm
20 going to provide. Thank you.

21

22 (INTERPRETATION CONCLUDED)

23

24 (INTERPRETED FROM SOUTH SLAVEY INTO ENGLISH)

25

1 ELDER FRANCIS BETSAKA: My name
2 Francis Betsaka. He said, Whatever Jayne has given
3 you, the information I thought about it myself too, so
4 whatever she has stated is all based on the truth,
5 exactly what she has stated that in our community
6 there is no jobs or there is no jobs for our youth.

7 And at the time when the Parks first
8 started, when they made the agreement, they told us
9 that once we make the park then we're going to help in
10 the community. That was exactly what they had stated
11 to us. And then they -- and then they told us, Well,
12 look at the park in Edmonton and how they take care of
13 the park. That's exactly how we're going to take care
14 of you here.

15 And the -- and they told us that -- the
16 superintendent from the park told us, If there's
17 anything you need that we're going to provide you
18 with. And it was -- at the time we had a lot of
19 Elders that were living among us. And the Elders were
20 so happy when they heard this that they were going to
21 actually give something to the youth so they would be
22 able to help them in the future.

23 And so this way they are going to give
24 us some money to help us, so maybe this way it'll help
25 the youth go about on land, but that didn't happen.

1 They move here into the community, and they didn't
2 give -- leave us anything on our land. And I'm sure
3 they did make a lot of money for themselves, but there
4 was nothing there that was left for us.

5 So this is something we all wanted to
6 express our concern. But I know sometimes when there
7 are meetings, we wanted to come and attend to express
8 our concerns. But those things just never happened.

9 I know there -- how many money there is
10 there? I know maybe a lot of it might not go our way.
11 And a lot of our -- and I'm sure that after we're all
12 gone and then you're going to open Canadian Zinc.

13 And so, prior to that, I'd like to see
14 the -- the winter road being worked on, or even if --
15 to help us with a outboard motor or even to help us
16 cover for the expenses on our skidoos.

17 And -- and exactly what I stated, I
18 know there is something very big on our land that
19 you're after. And I know, once you take it off our
20 land, you're going to go back south.

21 But those are the things that we never
22 express our concern about even though I might upset a
23 lot of people here, but this is my concerns. And it'd
24 be nice if we can get win of something off our land
25 and be able to go forward with it.

1 So there is a lot of things that I'm
2 worry about, and so the next time we have a meeting
3 and we're going to gather, I'm going to come to your
4 meeting. So this is all the information I'm going to
5 give you. Thank you.

6

7 (INTERPRETATION CONCLUDED)

8

9 THE CHAIRPERSON: Masi, Leon and --
10 and Francis. Nahanni Butte Dene Band...?

11 MR. GARTH WALLBRIDGE: Thank you,
12 Madam Chair. The last two (2) items. One is,
13 appreciating again the time of day, the -- the
14 individuals who are in the room from Nahanni Butte
15 want to show literally who they are. Many people in
16 the room know; not everybody.

17 So at the Chief's request, I'm asking
18 everybody who is a -- who is a member, a citizen of
19 the Nahanni Butte Dene Band, to please stand at this
20 point.

21

22 (BRIEF PAUSE)

23

24 MR. GARTH WALLBRIDGE: Thank you,
25 Madam Chair. And -- and the final point today from

1 the Nahanni Butte Dene Band is in the consideration of
2 the -- the desire which we've all heard so many times
3 this week: We want this project to go ahead.

4 Earlier this afternoon, Tetra Tech, a
5 consultant to -- to Canadian Zinc for some of the work
6 that they would do this coming summer in terms of
7 wildlife monitoring, some of that base study work,
8 they presented through Tetra Tech a -- seeking a
9 letter of support from the band.

10 The Chief was briefed on it and he
11 signed it, and we would expect that same letter of
12 support from the other groups in the region so we can,
13 you know, sort of -- what's the expression? -- we can
14 walk the walk as much as talk the talk.

15 And again, thank you for your kind work
16 this past week.

17

18 QUESTION PERIOD:

19 THE CHAIRPERSON: Questions to the
20 presentation, Dehcho First Nations?

21 MS. CARRIE BRENNEMAN: Carrie Breneman,
22 Dehcho First Nations. We have no questions.

23 THE CHAIRPERSON: Questions,
24 Environment and Climate Change Canada?

25 MR. BRADLEY SUMMERFIELD: Thanks,

1 Madam Chair. Bradley Summerfield, with Environment
2 and Climate Change Canada. We have no questions.

3 THE CHAIRPERSON: Questions, Fisheries
4 and Oceans?

5 MS. VERONIQUE D'AMOURS GAUTHIER:
6 Thank you, Madam Chair. Veronique D'Amours Gauthier,
7 with Fisheries and Oceans Canada.

8 We don't have any questions.

9 THE CHAIRPERSON: Questions,
10 Government of the Northwest Territories?

11 MS. LORRAINE SEALE: Lorraine Seale,
12 GNWT. One (1) quick question.

13 Is that letter of support something
14 that would be appropriate to file on the public
15 registry? And if so, does the band intend to do that?

16 MR. GARTH WALLBRIDGE: Madam Chair,
17 Garth Wallbridge, for the Nahanni Butte Dene Band.

18 Certainly. We are more than happy to
19 file that on the public registry. In a few minutes
20 when there's a break, I'll ask Mark how we accomplish
21 that.

22 MS. LORRAINE SEALE: Lorraine Seale,
23 GNWT. No further questions.

24 THE CHAIRPERSON: Questions,
25 Indigenous and Northern Affairs Canada?

1 MR. MIKE ROESCH: Mike Roesch, for
2 INAC. We have no questions. Thank you.

3 THE CHAIRPERSON: Questions, Liidlii
4 Kue First Nation?

5 MR. DEAL HOLMAN: Dean Holman, from
6 the Liidlii Kue First Nation.

7 I would just like to acknowledge the
8 Nahanni Butte members here and say thank you for their
9 show of support for the project on behalf of their
10 nation. I have no comments, but -- or questions, but
11 thank you.

12 THE CHAIRPERSON: Questions, Natural
13 Resources Canada?

14 MS. VICTORIA THOMAS: Victoria Thomas,
15 with National Resources Canada. We have no questions.
16 Thank you.

17 THE CHAIRPERSON: Questions, Parks
18 Canada?

19 MS. ALLISON STODDART: Allison
20 Stoddart, Parks Canada. We have no questions.

21 THE CHAIRPERSON: Questions, Canadian
22 Zinc?

23 MR. DAVID HARPLEY: Dave Harpley. No
24 questions, but also thank you very much, Chief,
25 council, and community for attending in numbers, and

1 taking the time. And paying attention through this
2 long and somewhat boring presentation and discussion,
3 and also to government agencies that provided some
4 funding to make that happen.

5 THE CHAIRPERSON: Questions from Board
6 staff or counsel?

7 MR. MARK CLIFFE-PHILLIPS: Thank you,
8 Madam Chair. Mark Cliffe-Phillips. Staff and counsel
9 have no questions.

10 THE CHAIRPERSON: Questions from Board
11 members?

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: Thank you very much.
16 Our next presentation is Dehcho First Nations.

17

18 (BRIEF PAUSE)

19

20 PRESENTATION BY DEHCHO FIRST NATIONS:

21 MS. CARRIE BRENEMAN: Good afternoon,
22 Madam Chair. Thank you. Carrie Breneman, Dehcho
23 First Nations.

24 I'm going to quickly summarize our --
25 some of our points on northern mountain caribou, and

1 then Grand Chief Herb Norwegian is going to address
2 the Board.

3 We -- basically we have -- we want more
4 specific commitments on boreal and northern mountain
5 caribou within the commit -- commitments table. And
6 in some our discussions today, we just wanted to point
7 out that according to a 2008 SARA management plan for
8 northern mountain caribou there's about forty-five
9 thousand (45,000) northern mountain caribou left.
10 Five (5) to ten thousand (10,000) of those animals
11 belong to the Redstone herd.

12 So 10 to almost 20 percent of all of
13 northern mountain caribou are found in the Redstone
14 herd. From the results of Parks Canada of the
15 collared animals that they had, 17 percent of that
16 herd -- of the Redstone herd reside near the road. We
17 acknowledge Canadian Zinc's suggestion that it -- it
18 may not be a total of 17 percent of the herd.

19 We also note that there have been
20 numerous other resource development projects for
21 caribou. Populations have declined due to collisions,
22 harvest, road avoidance, or increased predation, and
23 we acknowledge that there are mitigations for caribou
24 but in order under -- to understand if these
25 mitigations measures are working, you need monitoring.

1 And currently there is no systematic
2 monitoring plan for northern mountain caribou for this
3 project. In our mind, monitoring has to be tied to
4 specific pro -- project-related effects, and there
5 need to be triggers in place for adaptive management.

6 And we've stated it numerous times over
7 the next (sic) three (3) days, is that we also want
8 meaningful systematic local monitoring involved in
9 these types of projects. That concludes our portion
10 on norther mountain caribou, and I'm going to hand it
11 over to Grand Chief Herb Norwegian.

12 GRAND CHIEF HERB NORWEGIAN:

13

14 (INTERPRETED FROM SOUTH SLAVEY INTO ENGLISH)

15

16 GRAND CHIEF HERB NORWEGIAN: He said
17 in my own language and I want to say something about
18 Nahanni Butte, and -- and all the -- all the Board and
19 all the leaders are here. What -- how we see it. I
20 want to share that with you also.

21 I am thankful that we are -- that we're
22 all gathered here whether we are discussing a big
23 project, whatever is before us. It is not something
24 to play with. It -- it is something big. It's
25 something big that we're going to open up. We are

1 going to work with it -- it -- if we're going to work
2 with it is big, and I would like to say something
3 about that.

4 We -- you people that live in the
5 Nahanni -- in Nahanni, you've been sitting there. We
6 -- and the people in Dehcho, we have always worked
7 together. We have -- we have always said that
8 whatever is before us we want to work -- settle things
9 for ourselves. So we all -- we all came together to
10 come forth with one (1) position for the Indian
11 Affairs in regards to our land.

12 This our land, we live on it. And the
13 things that -- the things that are on it, the -- we
14 are the ones that are going to be -- benefit. The --
15 our Elders, when they had the first treaty, they said
16 we -- what we have said -- we haven't changed things.
17 We -- there is a -- a path for us. The Naha --
18 Nahanni Butte people, in regard to working on the
19 road, you want -- you want it be -- to be done
20 carefully.

21 We -- we -- from the Dehcho, we have to
22 support you. You are like one (1) of our rel --
23 relatives. You have the same blood as us, and
24 whatever you say, we hear you. We live along the --
25 the Mackenzie River. We know how you live, what you

1 think, what the -- what the young people think, what
2 the old people think. All those things is already
3 sitting on the table. We have seen it.

4 So -- so if we are going to carefully
5 fix things like that, we -- it will be really good.
6 We come -- come up with a good position. If you look
7 -- if you look at the land, wherever there -- where
8 the ever -- where they take the minerals out of the
9 ground, they usually destroy the land. Once they do
10 that, you cannot fix it, replace it.

11 So those are the kind of things that --
12 that's the kinds of things that we think about. And
13 we want to support you. So something might -- might
14 occur, so it would be really be good if you really
15 look at it well and -- and prepare yourself for that
16 in regards to what will happen to the land, what will
17 happen -- what will happen to the -- to the moose, and
18 the caribou, and all that.

19 We -- the Dene, we have our own mouth.
20 We have our land, which somebody has to speak for us
21 if the -- the -- the animals that are -- live on the
22 land, no one speaks for them. And who -- who has to
23 speak for them is -- is us, so you see all those
24 things.

25 So -- so if you speak to that and about

1 that so we in the Dehcho, where they're going to
2 extract minerals from the land, we will stand beside
3 you. We will watch. We all know what is happening --
4 occurring. So whenever you want -- whenever you want
5 assistance, you can voice that.

6 Our land is big, and there's a lot of
7 resources in it. And if you -- it -- finally, when
8 things fall -- fall through, once we complete the land
9 negotiation, they will not just take the land out --
10 out just from the -- the Nahanni area, but also on our
11 who -- our whole land.

12 So if we really look at it in that
13 manner for the future so we all live in one (1) house,
14 so we -- so it would be good to review that. It will
15 become a strong position. So if you want to do things
16 -- but it's -- the -- it was the -- how can -- if you
17 don't things by yourself, what can we do but support
18 you. But the rest of us in the Dehcho, we live in one
19 (1) house.

20 So in regards to the water and the
21 land, you -- you are talking about, and you want to
22 work on it -- in the past, the Elders, the way that
23 they -- they discuss it, they said that, We don't play
24 with the land. We -- when we look at the land, it is
25 like our flesh.

1 So the -- the little creeks, and
2 wherever it's flowing, and where there's lakes, and --
3 and marsh, where they have the beaver dams, it's --
4 it's like our blood. So if you're going to -- make a
5 position, say, give a -- so what they were saying is
6 that you give it a serious thought and make a good
7 position.

8 I have worked with them a long time.
9 I've been a -- a Chief. I've -- I've worked with Dene
10 Nation. And I also work -- been a leader -- a Chief
11 for Liidlii Kue, and it's just recently that the --
12 that I -- I came into the Dehcho as a -- just a Grand
13 Chief. It is the Elders that placed me.

14 The Elders say -- said, You -- you see
15 things like that for us. You -- we -- we have given
16 you all our information, so you're the only one that
17 can speak to us. What can I say there? The ones that
18 gave me the -- the -- that -- that gave me that job.

19 So all the people in the communities in
20 the Dehcho, how they see things, they feel that you --
21 you also feel it. It is our land, so you feel it
22 quite a bit. So -- so that's what I wanted to say.

23 So the -- the Nahanni Butte people, we
24 will have to support you. But in the Dehcho, we are
25 settling the land question, so you also -- you also

1 sit amongst us. So it'd be good if we all push at the
2 same time. If we come up with the one (1) position,
3 it will be much stronger.

4 So in -- in that sense, if we help one
5 another, whatever you say, so we can assist you and
6 help you. So we are working on that land claims
7 process. It's not finished. It will be finished
8 shortly. However, there are some things they -- they
9 want us to -- to settle the land -- the land because
10 they want to benefit something from that land.

11 So if you -- we think that way, it is
12 okay in the future if things fall out -- for us in the
13 fute -- future things will fall -- will flow towards
14 us, for at this point we can sit together.

15 So we can be -- have a strong position
16 and talk to the Indian Affair -- Affairs so that -- so
17 that -- so recently, the Chief and I had spoken to --
18 to you -- to the leader and the councillors. So we
19 are thankful and appreciate one another.

20 So if you done it that way so recently,
21 the people that has spoken about in regard to the
22 mount -- mountain caribou, and one (1) young -- young
23 boy got -- got upset -- angry and said, How come you
24 Dehcho aren't supporting us? It's the Elders that are
25 here. They -- they have to ask those Elders.

1 The -- the young people, they're also
2 here to -- to look after the land. So the Elders sit
3 here for that, and the people that -- that speak for
4 the people work on the same thing in regards to the
5 land, the water, the animals. They all sit there for
6 that.

7 So -- so I'm very thankful when they --
8 when they do that. That's, like I said, really well,
9 and let's all work together. And this -- this is what
10 I've -- I've really give it some serious consideration
11 after thinking about it the last couple of days.

12 And -- and I've heard what they -- what
13 the Chief Peter Marcellais said, and whatever his
14 father and mother said, and what Leon has said, and
15 what Jayne -- I've heard you. You have to -- and --
16 and really watch that. And it'd be really good --
17 good come out of the good position.

18 So I just want to say that in the -- in
19 our language.

20

21 (INTERPRETATION CONCLUDED)

22

23 GRAND CHIEF HERB NORWEGIAN: We have a
24 -- we have a big project in front of us that's almost
25 equivalent to the Mackenzie Valley pipeline. And the

1 emotions are really high, but again, I'm here before
2 you in an awkward situation because the Dehcho has
3 never really recognized the authority of the Mackenzie
4 Valley, and we've objected to the creation of it over
5 the years.

6 And, you know, there'll come a day --
7 there will be a day when the Dehcho would have
8 completed our Dehcho process. And in our process, we
9 would have something equivalent to the Mackenzie
10 Valley. It could even be the Dehcho Resource
11 Management Authority.

12 But once we have that in place, it'll
13 have a harmonized relationship with the Mackenzie
14 Valley. I think that this is how we're approaching
15 it. And so again, I have to reiterate that what we're
16 talking about here is something pretty -- pretty
17 humungous.

18 Just on -- on the project itself, the
19 application, we're dealing with a pretty sensitive
20 environment. You know, over the years, mountains have
21 been something that have been very sacred to us. You
22 know, when we go to the mountains, it's a pilgrimage.
23 When I go to the south Nahanni to go by Peter's
24 country up into Virginia Falls, it's -- it's something
25 that we feel good about. You know, it's -- it's a

1 prayer -- a place of prayer where you go to, and this
2 is how we feel about it.

3 And over the years, you know, the work
4 that I've done with the Dehcho and -- and the land use
5 planning, which I am also a member of, you know, we've
6 done some pretty interesting stuff. We wanted to find
7 out exactly what's -- what's in the -- in the Dehcho.
8 And we did MIRA (phonetic), mineral assessments, to
9 find out where the geology is at, where's the nuggets,
10 the emerald, the oil and gas.

11 You know, we live in a pretty rich
12 environment. We live in an area that that is just
13 rich. And I think what we need to be doing here is we
14 need to assess. We need to really take a look at what
15 -- what we're dealing with, especially when it comes
16 to the mountains. You know, the mountains are just an
17 incredible place. I mean, you go there.

18 I mean, people from all over the world
19 come to the south Nahanni. And some people go there
20 every year, and they feel like they are being
21 forgiven. There's something that happens there on
22 that journey when you're in those mountains, and the
23 very thing that they feel is something that they're --
24 they cherish.

25 And our people, the Naute (phonetic)

1 people, are the same thing. And so when we talk about
2 the mountains, it's -- it's pretty sensitive. We --
3 we come from a land where -- where the land takes care
4 of us. And we will do everything we can from our
5 hearts, and from our minds, and our spirit to make
6 sure that mother earth is being taken care of.

7 And I think what we need to do here is
8 -- the situation that we're up against is we have
9 Naute wanting to access the road. They want to get
10 the resources out. They want to benefit from that.
11 We have, you know, the environmental groups that are
12 on the sidelines, and watching, and monitoring every
13 square inch of land in the -- in that particular area
14 with a magnifying glass to make sure that everything
15 is -- is checked. There's a check and balance system
16 to make sure that it's done right.

17 And, of course, the governments, you
18 know, the territorial governments and all the agencies
19 that -- that work for governments, we're doing
20 everything we can to make sure that -- that it's --
21 it's being done right.

22 And I think what we're all striving for
23 -- I think what is really crucial -- I imagine at some
24 point the Board will be making a decision. I think
25 what's really important is that you need to find that

1 balance. Where is that balance? You know, is it
2 Nahanni Butte bringing a road with some loose
3 environmental guidelines, the government wanting to go
4 all out and making sure that the rules are fully
5 enforced?

6 You know, so there -- there's a whole
7 array of different responsibilities that are just
8 being overlaid. In the meantime, you know, it --
9 we're still waiting for something to happen.

10 Something -- some decision needs to take place. And
11 so I think with a real keen mind and a cre -- very
12 creative way of thinking, you need to strike that
13 balance. You need to find out what is that balance,
14 because you don't want it top heavy or imbalanced in
15 any way. You want to make sure that you are
16 transparent, and that you're very clear about the
17 decision that you're going to make.

18 And so that balance is going to be very
19 crucial, because you're going to need to satisfy
20 Nahanni Butte. You're going to need to satisfy the
21 governments. And you're going to need to satisfy the
22 -- the agencies that oversee this, and as well, the
23 public. You know, the public is going to be right on
24 this one.

25 And they're going -- I'm sure the

1 editors of papers are going to be having these
2 outlandish editorials about what they think about
3 mines and what mining companies do. But in all of
4 that, there is a balance. And I think that that's
5 where you need to go. You need to back off and not
6 worry about the political stuff, the environmental
7 issue.

8 What is the moral issue? What is that
9 moral balance I think is what you need to take a look
10 at. And that's -- that's -- I think if you can find
11 that I'm sure the creator will be on your side on this
12 one (1) here. So those are just my comments. I just
13 wanted to thank you for allowing me to come before
14 you, eh. Masi cho.

15

16 QUESTION PERIOD:

17 THE CHAIRPERSON: Okay. Masi.
18 Questions, Environment Canada and Climate Change?

19 MR. BRADLEY SUMMERFIELD: Bradley
20 Summerfield, with Environment and Climate Change
21 Canada. We have no questions.

22 THE CHAIRPERSON: Questions, Fisheries
23 and Oceans?

24 MS. VERONIQUE D'AMOURS GAUTHIER:
25 Thank you, Madam Chair. Veronique D'Amours Gauthier,

1 with Fisheries and Oceans Canada. We don't have any
2 question.

3 THE CHAIRPERSON: Questions,
4 Government of the Northwest Territories?

5 MS. LORRAINE SEALE: Lorraine Seale,
6 Government of the Northwest Territories.

7 No questions.

8 THE CHAIRPERSON: Questions,
9 Indigenous and Northern Affairs Canada?

10 MR. MIKE ROESCH: Mike Roesch, for
11 INAC. We have no questions. Thank you.

12 THE CHAIRPERSON: Questions, Liidlii
13 Kue First Nation?

14 MR. DEAN HOLMAN: Thank you. Dean
15 Holman, from Liidlii Kue First Nation. We have no
16 questions.

17 THE CHAIRPERSON: Questions, Nahanni
18 Butte Dene Band?

19 MS. JAYNE KONISENTA: Jayne Konisenta,
20 Nahanni Butte.

21

22 (INTERPRETED FROM SOUTH SLAVEY INTO ENGLISH)

23

24 MS. JAYNE KONISENTA: Yesterday we
25 talked all about the fish and today again -- again.

1 Caribou, Dehcho first they keep saying -- keep saying
2 they're going to work with us, whoever we get together
3 they sound different. So how -- why do the Elders
4 work like that?

5 One (1) says one (1) thing, another one
6 (1) say a different thing (SOUTH SLAVEY SPOKEN). The
7 Liidlili Kue leader is -- their Chief said, We'll work
8 with you and whoever worked with him say something
9 different. The Dehcho First Nations say they work
10 with me again. They're talking differently. That's
11 why -- that's why things are following.

12 Herbie, we hear you also. So we that
13 live, we -- we don't talk that much about the caribou
14 -- caribou, but you the people that live over here,
15 you talk about the -- about the caribou. But if the
16 Elders were alive they -- we would have said -- they
17 would have said, It's none of your business, that land
18 there, not here. I'm here. See, I can say that, but
19 I don't want to say this because I'm not old.

20 If -- if I was an Elder I would have
21 said whatever and then -- then I -- I'm not an Elder
22 so I can't say that. Thank you.

23

24 (INTERPRETATION CONCLUDED)

25

1 THE CHAIRPERSON: Questions, Natural
2 Can -- Resources Canada?

3 MS. VICTORIA THOMAS: Victoria Thomas,
4 with Natural Resources Canada. We have no questions.
5 Thank you.

6 THE CHAIRPERSON: Questions, Parks
7 Canada?

8 MS. ALLISON STODDART: Allison
9 Stoddart, Parks Canada, we have no questions.

10 THE CHAIRPERSON: Questions, Canadian
11 Zinc.

12 MR. DAVID HARPLEY: It's Dave Harpley.
13 Carrie just -- just to clarify what -- what you said,
14 I think you meant to say that 70 percent of the
15 eighteen (18) collared caribou are approximable to the
16 road.

17 Is that correct?

18 MS. CARRIE BRENEMAN: Carrie Breneman,
19 Dehcho First Nations, yes that's what I meant.

20 THE CHAIRPERSON: Questions, Review
21 Board, staff, and counsel?

22 MR. MARK CLIFFE-PHILLIPS: Thank you,
23 Madam Chair. Mark Cliffe-Phillips. Staff and counsel
24 have no questions, thanks.

25 THE CHAIRPERSON: Questions from

1 Review Board members?

2

3 (BRIEF PAUSE)

4

5 THE CHAIRPERSON: Masi cho for your
6 presentation. Thank you.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: The next
11 presentation Liidlili Kue First Nations.

12

13 (BRIEF PAUSE)

14

15 PRESENTATION BY LIIDLII KUE FIRST NATION:

16 CHIEF JERRY ANTOINE: Masi.

17

18 (INTERPRETED FROM SOUTH SLAVEY INTO ENGLISH)

19

20 CHIEF JERRY ANTOINE: He said, Thank
21 you. He said, I'm the Chief here for -- for Fort
22 Simpson. My name is Jerry Antoine.

23 He said, The people that are beside me
24 is -- the one (1) that's on my right side is -- he is
25 -- his -- his name is Dean Holman. And the lady

1 that's on my side, she's a legal aid, and her name is
2 -- and this one (1) sitting on my left side, she's a
3 legal aid and her name is Magnolia Unka-Wool, and she
4 is a lawyer for the Liidlii Kue First Nation.

5 And how we're going to do our
6 presentation is this young fellow that's working with
7 us, he is the one that's going to give you all the
8 information. He's going to do the presentation.

9

10 (INTERPRETATION CONCLUDED)

11

12 MR. DEAN HOLMAN: Masi. In the
13 interest of time, I'm going to skip through a couple
14 of slides here.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: We have a comment
19 here from the executive director.

20 MR. MARK CLIFFE-PHILLIPS: Thank you,
21 Madam Chair. Excuse me, I just wanted to let all the
22 parties aware that we'll be posting your presentations
23 immediately on the registry.

24 MR. DEAN HOLMAN: Thank you, Mark.
25 Madam Chair.

1 The Liidlili Kue Got'ine has an approach
2 in conservation. A recognition of cultural impacts
3 requires a utility of considerable participation,
4 acceptable practice, and insight from Liidlili Kue
5 Got'ine.

6 Liidlili Kue First Nation has developed
7 policies and processes prior to, and towards a Dehcho
8 resource management authority, including decision
9 making through Chief and Council, communities
10 including the Denendeh Resource Committee, and our
11 Liidlili Kue First Nation traditional pol -- knowledge
12 policy.

13 We have concerns regarding safety. In
14 terms of the recommendations, we reco -- there is a
15 recommendation for measures on permitting -- or should
16 consider CZN's acceptable level of risk of Funeral,
17 Sundog, and Tetcela waterways, how mitigation efforts
18 will reduce or eliminate moderate, high, and very high
19 risk areas of the proposed road.

20 The driving distance of higher risk
21 areas, specifically the percentage of driving distance
22 in higher risk areas from the mine to the Liard
23 Highway. Liidlili Kue First Nation supports the Dehcho
24 First Nations's concerns on road width and safety
25 issues, which include the recommendation to provide

1 data regarding detailed design for baseline data,
2 which does not exist.

3 We have concerns regard karst and
4 permafrost. Our recommendation for measures on
5 permitting should consider the predicted significant
6 adverse impacts to drainage in high snow volume areas,
7 permafrost areas, and high freshet areas. Maintaining
8 natural drainage, cross-drainage, road maintenance,
9 and side slope -- sloping of the road, the erosion of
10 corduroy logs and the resilience to rapidly changing
11 environmental conditions, detail road design,
12 permafrost monitoring during construction phase and
13 maintenance. LKFN would like to be included in the
14 monitoring of the projects.

15 LKFN has concerns regarding wildlife.
16 Recommendation for mitigation -- or for measures on
17 permitting should consider clear commitments from
18 Canadian Zinc on mitigating impacts to caribou,
19 baseline studies on the presence of mountain caribou,
20 sentinel and migratory herds, monitoring that would
21 include local Denendeh resource monitors.

22 LKFN agrees with Parks Canada data on
23 occurrence of caribou in the area and the potential of
24 affecting the caribou.

25 We have concerns regarding fish and

1 fish habitat. A recommendation for measures on
2 permitting should consider baseline studies to
3 determine what measures should be taken to mitigate
4 the risk of significant impacts.

5 LKFN is concerned regarding water
6 quality. We have the recommendation for measures on
7 permitting which should consider baseline data and
8 monitoring to ensure proper water capacity and
9 velocity, TSS and turbidity, the time of year -- and
10 the time of year that blasting is proposed.

11 LKFN is concerned -- has concerns
12 regarding vegetation and invasive species. Our
13 recommendation for measures on permitting should
14 consider baseline studies on the vegetation and rare
15 species prior to permitting, baseline studies to
16 investigate potential for significant adverse impacts
17 from invasive species on riparian habitat within the
18 project, and implementation of control measures if
19 recommended.

20 We agree with the Dehcho First Nations
21 recommendation to encourage involvement from the first
22 nations in monitoring to assist in capacity -- in
23 building capacity.

24 We have concerns regarding heritage
25 resources. Naha'deh is considered a sacred area of

1 transition as the Grand Chief had pointed out.
2 Recommendations for measures on permitting should
3 consider archaeological surveys to be conducted prior
4 to the development.

5 We have concerns regarding culture --
6 cultural traditions. Our recommendation for measures
7 on permitting should consider a study on the impacts
8 of industry on the cultural traditions of the Dene and
9 the Dene way of life, completion of a traditional
10 knowledge study with Liidlíi Kue.

11 In conclusion, Liidlíi Kue First Nation
12 wants full involvement and support in any and all
13 mitigation. It is difficult to determine mitigation
14 measures without the level of information necessary to
15 make informed recommendations.

16 Masi duet (phonetic) to the Review
17 Board, Nahanni Butte Dene for their show of support,
18 and to the proponent for travelling a great distance
19 to present on Liidlíi Kue traditional territory.

20

21 (BRIEF PAUSE)

22

23 CHIEF JERRY ANTOINE: We'll -- we'll
24 take questions, and then after that I -- I'd like to
25 do some closing, and just to let Madam Chair know.

1 Masi.

2 THE CHAIRPERSON: Jerry, would you
3 like to do your closing later on, like after the
4 public concerns? You can do your closing comments
5 then, or would you like to do it like after the
6 questions? Because I still have to go through the
7 list here. Okay.

8

9 QUESTION PERIOD:

10 THE CHAIRPERSON: Questions to the
11 presentation, Dehcho First Nations?

12 MS. CARRIE BRENEMAN: Carrie Breneman,
13 Dehcho First Nations. We -- we have no questions.

14 THE CHAIRPERSON: Questions,
15 Environment and Climate Change Canada?

16 MS. EMILY NICHOL: Emily Nichol,
17 Environment and Climate Change Canada. We have no
18 questions.

19 THE CHAIRPERSON: Questions, Fisheries
20 and Oceans Canada?

21 MS. VERONIQUE D'AMOURS GAUTHIER:
22 Thank you, Madam Chair. Veronique D'Amours Gauthier,
23 with Fisheries and Oceans Canada.

24 We don't have any question.

25 THE CHAIRPERSON: Questions,

1 Government of the Northwest Territories?

2 MS. LORRAINE SEALE: Lorraine Seale,
3 GNWT. We have no questions.

4 THE CHAIRPERSON: Questions,
5 Indigenous and Northern Affairs Canada?

6 MR. MIKE ROESCH: Mike Roesch, for
7 INAC. We have no questions. Thank you.

8 THE CHAIRPERSON: Questions, Nahanni
9 Butte Dene Band?

10 MR. GARTH WALLBRIDGE: Garth
11 Wallbridge, for the Nahanni Butte Dene Band. No
12 questions. Thank you.

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: Questions, Natural
17 Resources Canada?

18 MS. VICTORIA THOMAS: Victoria Thomas,
19 with Natural Resources Canada. We have no questions.

20 THE CHAIRPERSON: Questions, Parks
21 Canada?

22 MS. ALLISON STODDART: Allison
23 Stoddart, Parks Canada. We have no questions.

24 THE CHAIRPERSON: Questions, Canadian
25 Zinc?

1 MR. DAVID HARPLEY: Dave Harpley. No
2 questions.

3 THE CHAIRPERSON: Questions, Board
4 staff and counsel?

5 MR. MARK CLIFFE-PHILLIPS: Thank you,
6 Madam Chair. Mark Cliffe-Phillips. Staff and counsel
7 have no questions.

8 THE CHAIRPERSON: Questions, Board
9 members?

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON: Masi cho for your
14 presentation. Jerry, would you like to do your
15 closing comments later on?

16 MR. DEAN HOLMAN: Madam Chair, if I
17 may. There was a -- we identified a need to actually
18 clarify a report in response to Board member Dave
19 Krutko's question. We have located the dates of the
20 letters we've referred to in earl -- to earlier in the
21 day in regards to our -- our expressed interest in
22 completing a traditional knowledge study. The letters
23 are dated February 16th and June 1st of 2016, and were
24 addressed to the Review Board and carbon copied to
25 Canadian Zinc.

1 Also, during the Yellowknife public
2 hearing on June 25th, 2016, Canadian Zinc had
3 confirmed that they would enter into discussions with
4 LKFN in regards to a traditional knowledge study and
5 the new road design. This discussion can be found at
6 page 27 of the transcripts for June 15th, 2016.

7 Canadian Zinc has not entered into
8 these discussions with LKFN yet.

9 THE CHAIRPERSON: Okay. Thank you for
10 the presentation. Jerry, would you be so kind to do
11 the closing remarks after the public concerns? Masi.
12 Okay, thank you.

13

14 (BRIEF PAUSE)

15

16 PUBLIC COMMENTS:

17 THE CHAIRPERSON: Okay, moving along
18 on the agenda. The time has come for public concerns.
19 And I would like to ask Canadian Zinc to be first in
20 making a statement.

21 MR. ALAN TAYLOR: Thank you, Madam
22 Chair. It's Alan Taylor, Canadian Zinc.

23 I don't want to keep everybody too
24 long, but we need to just revisit one (1) aspect of --
25 of this hearing that took place on day 1 in reference

1 to the risk assessment.

2 So on day 1 of this formal public
3 hearing, a significant amount of time was spent
4 discussing risk assessment, particularly revolving
5 around the Oboni Riskope submissions and presentation.

6 From the Canadian Zinc point of view,
7 we still have significant issues with Oboni's
8 assessment and conclusions -- with Oboni's assessment
9 and conclusions that we were not fully able to explore
10 through the hearing process, particularly as they
11 relate to road design.

12 We also believe that, as a result of
13 this limitation, the Board and the parties may not be
14 able to properly weigh the evidence on the record.
15 Given the stage that we are at in this EA process, and
16 the desire by Canadian Zinc and other parties to
17 advance in a timely manner through the regulatory
18 process, Canadian Zinc is proposing a solution to
19 resolve this uncertainty without unduly delaying the
20 process.

21 Canadian Zinc is proposing to form an
22 independent technical review panel, referred to as the
23 panel, whose mandate would be to recommend road design
24 principles and evaluate. And if necessary, improve
25 the current status of risk assessment relating to the

1 all-season road to ensure that impacts to the safety
2 of the people and environment are minimized
3 satisfactorily.

4 The panel members selection process
5 leading to a committee would include the development
6 of a short list of potential candidates who are
7 professional engineers who have worked on previous
8 projects in the North and submit their report to the
9 regulatory authorities prior to construction of the
10 road.

11 While further details will be described
12 within our closing arguments, I wanted to make the
13 Board and all participants aware of our intention to
14 provide a resolution to the impar -- apparent impasse
15 in positions. Thank you.

16 THE CHAIRPERSON: Okay. Next for
17 public comments, Roxanne Konisenta.

18 MS. ROXANNE KONISENTE: Hi. My name
19 is Roxanne Konisenta, from Nahanni Butte Dene Band,
20 and just listening to this discussion today, I was
21 just going over the presentation that LKFN have
22 presented, and no offense to, like, Fort Simpson, but
23 in my opinion the mine is located in the traditional
24 area of Nahanni Butte, so.

25 And this is just my own opinion that

1 anything that takes place in the traditional area of
2 Nahanni Butte, Nahanni Butte should have the say.
3 They shouldn't -- like, no other community should
4 have, really, I don't know, a big impact on what
5 happens in the traditional area of Nahanni Butte.
6 Like -- yeah, that's just my opinion.

7 And I would just personally like to see
8 this project happen. Like, Nahanni Butte is a small
9 community, and, you know, there's a lot of people that
10 have moved away because they went to school, or, like,
11 they want their kids to get a higher education. And
12 eventually, you know, if this project goes through,
13 there will be people moving back to Nahanni Butte for
14 jobs, and, you know, a career in the mining industry.

15 And eventually, you know, maybe more
16 kids in the school, because right now, there's only
17 probably a couple of students, because everyone either
18 moved away or went back to school. So in my own
19 opinion as a youth, I would really like to see this
20 project happen for our -- for our community, and
21 eventually, yes, the region.

22 But whatever takes place in Nahanni
23 Butte's traditional area, Nahanni Butte should have
24 the say first, and that's just how I feel. Thanks.

25 THE CHAIRPERSON: Thank you. Public

1 comments, Fort Simpson Chamber of Commerce.

2 MR. KIRBY GROAT: Good afternoon,
3 Kirby Groat, Fort Simpson Chamber of Commerce. That -
4 - once again, I'd like to thank you for allowing me to
5 speak. I have a couple of questions we'd like to ask
6 the Canadian Zinc team, here. And one (1) of them is
7 kind of a hypothetical question.

8 It's -- in the perfect world, if your
9 permits were issued in the fall of 2017 or sooner,
10 which we have questions on that one, could we expect
11 to see construction start in the winter of '17/'18,
12 and do you have the money budgeted in the current
13 budget for this?

14 If there were -- if not, where do you
15 expect to find the funds for the construction,
16 considering Canadian Zinc stock is currently trading
17 at seventeen cents (.17). What -- we have heard a
18 figure up to 200 million to begin the mine operation.

19 Is this reasonably accurate?

20 MR. ALAN TAYLOR: Thank you, Madam
21 Chair. It's Alan Taylor, Canadian Zinc. Thank you
22 for the question, Kirby.

23 I think in answer to your first
24 question, the earl -- earliest possible time that we
25 could contemplate construction is all-contingent upon

1 financing. And the -- the financing is contingent
2 upon permitting, and so it's kind of a knock-on thing.

3 In answer to your second question, do
4 we have the funds right now? No, we don't, because
5 we're waiting on the permit, because the financiers
6 need some certainty into the situation here, and
7 they're rather adverse to risk.

8 But as far as sourcing the financing,
9 we've already begun that through our early works in
10 our pre -- our feasibility study. We have engaged a
11 financing advisor -- advisory group through the UK,
12 and they are working in tandem with our engineers in -
13 - who are designing the mine site, and working
14 together to both design the mine site so that when the
15 feasibility study comes out, that we'll have some kind
16 of indication on where our sources may come from.

17 And where they'll come from is -- is
18 probably a combination of equity and debt, because, as
19 you said, our stock price is -- is quite repressed
20 right now. However, upon announcement of a permit,
21 perhaps things will change. And we hope so.

22 And so we are at a -- at a -- at a -- a
23 point now where I think we can see the light, and
24 start to move forward in -- in a big way, but
25 certainly there's critical aspects that still have to

1 fall into place before we can contemplate production.

2 Thank you.

3 MR. KIRBY GROAT: Thank you. I have
4 one (1) more question here, and I thank you for the
5 answer.

6 The business community looks forward to
7 the start of the Prairie Creek Mine -- Prairie Creek
8 all-season road construction. We are in need of
9 private sector projects in the region, and the Prairie
10 Creek Mine is a glimmer of hope at the end of the
11 tunnel.

12 Spinoff business is one (1) of the
13 bonuses that come with a major project of this nature.
14 I have heard anywhere from three (3) to seven (7) jobs
15 spinoff of a -- a mine project of this nature.

16 The proximity of the mine to Fort
17 Nelson, BC, with its airports, road networks, and
18 abundant stores, ape -- appears to be in a position to
19 be a major benefactor of the spinoff industries. This
20 is an NWT mine, and our local economy could benefit
21 greatly from spinoff contracts, and whatnot. More
22 flights to Fort Simpson, creating a better -- or -- or
23 created by being a crew change hub for Canadian Zinc
24 helps everyone. This could be a transportation hub
25 for people moving in and out, and any goods and

1 services by air or ground. Emergency services,
2 groceries, fuel, and all can be supplied from the NWT.

3 My question is: How do you see the
4 existing business community in the Dehcho and the NWT,
5 as well as new business startups, maximizing business
6 opportunities, and being involved in the mine's life?
7 Thank you.

8 MR. ALAN TAYLOR: It's Alan Taylor,
9 Canadian Zinc.

10 As you can see through our -- our
11 economic agreement, we have a GNWT, along with the
12 IBAs, which I know are confidential, however, they are
13 attempting to maximize Northern involvement and
14 Northern business.

15 And you mentioned, of course, that our
16 destination for our concentrate is Fort Nelson, and
17 that's a engineering technical decision on that,
18 because it's -- it's the closest railhead, basically,
19 and it makes the most economic sense. And it is the
20 most direct way to our destination, which is the ports
21 of either Vancouver or Prince Rupert.

22 We certainly -- ever since I've been
23 involved in this project, which is almost twenty (20)
24 years now, it just seems like yesterday, but I
25 recognized an opportunity here, and not just for the

1 company, but for the region, and I think we can make
2 it work. And as the Grand Chief says, I believe
3 there's a balance between conservation and development
4 here that can be struck. Thank you.

5 MR. KIRBY GROAT: Could I have one (1)
6 more follow-up? Just a question on your
7 transportation for --

8 THE CHAIRPERSON: Kirby, would you be
9 so kind to state your name when you speak?

10 MR. KIRBY GROAT: My apologies --

11 THE CHAIRPERSON: Thank you.

12 MR. KIRBY GROAT: -- Kirby Groat, with
13 Fort Simpson chamber.

14 One (1) more question I've had. We
15 have a barge company here, and a route to the Arctic
16 Ocean. Is there any thoughts to moving your product
17 through the north through that way, so bring it to
18 Fort Simpson and moving it out that way? Thank you.

19 MR. ALAN TAYLOR: It's Alan Taylor,
20 Canadian Zinc.

21 We actually have looked at that, but
22 the problem with that route is its seasonality and its
23 challenges there and our need to consistently deliver
24 the product to the market. Hence, we are here talking
25 about the all-season road.

1 THE CHAIRPERSON: Okay. Public
2 comments. The next person on the list is Walter
3 McPherson.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Okay. We'll move
8 on, and I'll call Walter after. Maybe he's just
9 stepped outside.

10 Dennis Nelner...?

11

12 (BRIEF PAUSE)

13

14 MR. DENNIS NELNER: Hi there. Name's
15 Dennis Nelner, long-time community member here in Fort
16 Simpson.

17 My -- my question or more comment, I
18 think, than anything else to the Review Board and to
19 Canadian Zinc is that something that's very close and
20 dear to my heart is the education system and the lack
21 of trades and technical training in the schools.

22 There doesn't seem to be any kind of
23 training at all in regards to trades training or
24 technical training. And, you know, this is something
25 that is very different from when I went to school. I

1 went to school, you know, when the feds were -- were
2 paying for the -- the bill before it was transferred
3 to the territorial government.

4 And of course, you know, I'm -- I'm a
5 product of the residential school system, I guess.
6 But at the time when I went to school, it was -- it
7 was pretty much tame. As a matter of fact, that was
8 the last year that Brenard (phonetic) Hall was -- was
9 open. So, you know, I was at the tail end of the
10 residential school system.

11 But, you know, the -- the things that -
12 - that helped me in -- in life was the fact that I
13 had, you know, trades training from grade 7 to grade
14 12. And in that time frame, you know, I -- I could
15 have been an electrician if I so choosed.

16 I worked work experience with a local
17 contractor here, Kiwi Electric. And when I went to
18 school, the residential school in Yellowknife, I
19 worked for Top Electric (phonetic). And, you know, I
20 could have been a first- or second-year apprentice by
21 the end of grade 12 just because of the programs that
22 were in place in the school.

23 You know, by that time, I had also rig
24 training, all kinds of safety training, Scott Air-Pak,
25 all those types of training you need to be -- you need

1 to get in order to -- to get into the industrial work
2 site.

3 So by the time I was eighteen (18), I
4 was already working in Norman Wells at that time when
5 they were building the pipeline. So, you know, I was
6 able to work in that environment straight out of high
7 school, but, you know, I depended on a lot of that --
8 that training that I got.

9 But nowadays, it seems like there is no
10 -- no money set aside for trades training and tech
11 training. As a matter of fact, that's the easiest one
12 to cut off the -- the education budget, and you've
13 seen it whittled away slowly ever since '86 when the
14 territorial government took over education in -- in
15 the Northwest Territories.

16 So, you know, like the biggest problem
17 I have is that there's no funding being set aside for
18 this, and this is a huge problem because, as
19 Aboriginal people, you know, we took the trades
20 training. It -- it's something that worked naturally
21 with us. You know, whether it's ingrained into our
22 DNA or -- or whatever, we're -- we're good at trades
23 and we're good at working with our hands, spatial
24 skills, those types of things.

25 So, you know, like, in -- in light of

1 the fact that, you know, even our education system now
2 is -- is so degraded now that 80 percent of our kids
3 are not even at grade level any more, and this is
4 especially true in the rural areas, right here in
5 Simpson.

6 Yellowknife, they seem to be bucking
7 the system. They're -- they're not as bad but, you
8 know, they have a wealth of programs and volunteers
9 and resources and everything over there. We don't.

10 So, you know, I think what -- it is
11 incumbent upon us, you know, is, you know, a
12 regulatory board that -- you know, we have to have
13 money set aside because the government's not going to
14 pay for it. And I'm not talking about programs after
15 high school. I'm talking about programs during high
16 school, from grade 7 to grade 12. There's absolutely
17 no money being spent on that at all, no resources
18 dedicated to that at all.

19 So we need industry to start playing a
20 role in developing our northern workforce, especially
21 in the area of trades training. We do not need to
22 have transient workers coming into the North and
23 taking those jobs away from us. And there's no reason
24 why we can't do those jobs. We got to start
25 instilling those skills at an early enough age.

1 And at grade 7, you know, when I went
2 to school I couldn't wait for shop class. And as a
3 matter of fact, after school they had shop class. I
4 was there, too, and in the evenings. I -- I really
5 took to it.

6 And I know that, you know, I'm not just
7 speaking for myself. My -- my son is the same way.
8 He's sixteen (16) years old now and he's getting to be
9 a big boy, and he enjoys trades. Whenever this is any
10 kind of trades training involved at the school he --
11 he participates 100 percent, and he gets good marks
12 and everything.

13 So, you know, my -- my boy is going to
14 be over 6 feet tall. He's now, you know, well over,
15 you know, 200 pounds. He's a strapping young boy. He
16 told me the other day, Dad, look, I can shoulder press
17 120 pounds now. And he's going to be a big -- big
18 boy. Wouldn't you want him working for you and, you
19 know, working in the mine, because I sure would? That
20 way, he doesn't have to leave home or, you know, look
21 for work other -- in other places.

22 So, you know, I think -- you know, I
23 don't know if the Board or if you guys had discussed
24 this at all, but I think that this is some priority
25 issue that, if it hasn't been discussed, has to be

1 part of the conversation.

2 And there was just one (1) other point
3 that I wanted to make outside of this education, is in
4 the area of business. As Canadian Zinc talked with --
5 whether it's Dehcho First Nations or any of the first
6 nations surrounding the mine site in regards to
7 preferential bidding or whatever towards Aboriginal
8 businesses. That's -- and that's -- that's all the
9 comments I have. Thank you.

10 THE CHAIRPERSON: Canadian Zinc...?

11 MR. ALAN TAYLOR: Thank you, Madam
12 Chair. Thank you, Dennis, for those comments. That's
13 just the latter part of your statement. Yes, we do
14 have provisions for Aboriginal engagement through
15 contracting, and they are within our existing IBAs and
16 also in the socioeconomic agreement with the GNWT.

17 Regarding your comments on training, it
18 is an extremely important aspect of -- of the mining
19 industry because the mining industry involves a lot of
20 trades people, and we need qualified trades people in
21 order to operate in a safe environment.

22 We have been training -- engaged in
23 training programs in the past when we have escalated
24 our exploration and development programs. And I
25 believe that any operation that comes online albeit

1 Prairie Creek will naturally attract more training
2 funds for the region. And we have engaged and
3 continue to engage with the Mine Training Society out
4 of Yellowknife. And they are talking even at this
5 time with potential programs for this year.

6 Thank you.

7 THE CHAIRPERSON: Public comments,
8 Walter McPherson?

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Okay. All right.
13 Public comments, Raymond Michaud?

14 MR. RAY MICHAUD: Very short. I
15 wasn't going to make a comment, but I have to clarify
16 something from Nahanni Butte about the traditional
17 land. The Cli family has been going up there
18 traditionally for years as mountain slavey up past the
19 falls, and they would traverse down the glacier and
20 come down by moose hide boats past Nahanni Butte
21 towards Simpson. That was before Nahanni Butte was
22 even created.

23 So I took objection when they say it is
24 our traditional land. You have no business there. If
25 you go with the facts, you will find out that,

1 traditionally, people from this area have been going
2 up there long before the people from Nahanni Butte
3 community were even created.

4 And that's talking about my wife's
5 grandfather and her great-grandfather were up there.
6 And this can be proven just by looking at traditional
7 record. I just wanted to clarify that.

8 THE CHAIRPERSON: Public comments?
9 Jayne...?

10

11 (INTERPRETED FROM SOUTH SLAVEY LANGUAGE INTO ENGLISH)

12

13 MS. JAYNE KONISENTA: Jayne Konisenta.
14 What we're talking about, our land, we mean where
15 we're living, not in the past. We're talking about
16 the future. In the past, Wendyl (phonetic) was saying
17 we used to help one another. Where -- wherever there
18 was fish, we used to say where the fishing spots were.

19 Even my -- even my grandfather, he was
20 from Tulita. So even now I don't -- I don't -- don't
21 say that my grandfather was over there in Tulita. Our
22 grandparents did that, but we're talking about today
23 and for tomorrow. Thank you.

24

25 (INTERPRETATION CONCLUDED)

1 THE CHAIRPERSON: Public comments?

2

3 (BRIEF PAUSE)

4

5 THE CHAIRPERSON: Public comments?

6 Last call for public comments.

7 MS. LORY ANN BERTRAND: Hi. Hi. Good

8 afternoon, everyone. My name is Lory Ann Bertrand

9 from the Nahanni Butte Dene Band. Can I just say that

10 that comment, I felt it was a little insulting because

11 Nahanni Butte wasn't created. I would just like to

12 state that.

13 The history of Nahanni, that families

14 used to live on that river, live along that river.

15 They were never in that area where the community sits

16 today. Basically, what the history is, is that the

17 community there, the government put us there. We were

18 never there.

19 The fam -- the families that are here

20 today from the community, they're all -- they're --

21 all their family there, they're from different parts

22 of that river. Some lived along the south Nahanni

23 River, and other families lived at the Niklas River.

24 So we were -- Nahanni Butte was never -

25 - well, Nahanni Butte wasn't located where to it is

1 today. It -- it's there because we were put there.
2 So as people, we -- we created that. We created that
3 community, so that's all I wanted to share. And, yes,
4 so that's what I just wanted to share with everybody.
5 Masi.

6 THE CHAIRPERSON: Public comments?

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: The real final
11 message, public comments? Okay. Thank you.

12 I would like to start the -- my closing
13 comments, and then, Jerry, I will ask you and I'll
14 fit you into the closing comments here as the host
15 chief for Liidlili Kue, okay?

16

17 CLOSING REMARKS BY THE CHAIRPERSON:

18 THE CHAIRPERSON: We have arrived at
19 the end of the formal hearings for the Prairie Creek
20 all-season project. Before closing and adjourning of
21 the hearings, I will clarify final process steps for
22 parties and Canadian Zinc Corp.

23 During May and June, Canadian Zinc and
24 the parties will submit post-hearing filings prior to
25 final closure for the public record. Post-hearings

1 filing material includes official hearing transcripts,
2 commitments, undertakings, and final statements from
3 parties and Canadian Zinc.

4 Post-hearing filing dates are as
5 follows: May 10th, the undertakings from Canadian
6 Zinc; May 26th the closing arguments from parties;
7 June 5th, the closing arguments from Canadian Zinc;
8 and June 5th which is also the closure for the public
9 record.

10 In August we have the report of the
11 environmental assessment which will be submitted to
12 the INAC Minister. The Review Board will fully
13 consider the views of all the parties and individuals
14 who spoke at the hearings. Your views and opinions
15 will be considered in the Board's deliberation in its
16 preparation for the cor -- report of the environmental
17 assessment.

18 The Review Board will complete the
19 report of EA, environmental assessment for the Prairie
20 Creek all season road by August of 2017. This
21 environmental assessment will be completed within the
22 legislated time line of sixteen (16) months as set out
23 in the MVRMA. The report then will be submitted to
24 the Minister of Indigenous and Norther Affairs Canada
25 for a decision.

1 I would like to thank the following
2 individuals who helped make our hearings in Fort
3 Simpson successful: Our caterer, Cathy (phonetic). I
4 don't know if she's still at the back but she has a
5 gang of -- of people there she said that helped her.
6 Her daughters, her friends, I think she has cousins
7 and relatives. There was a whole bunch that put that
8 food together for us, and all the wonderful goodies
9 she served. And also to recognize Trevor (phonetic),
10 who helped her in the kitchen and getting things
11 ready, as well.

12 To our interpreters who sat with us for
13 the past five (5) days, who travelled with us right to
14 Nahanni Butte and sat with us in Fort Simpson for the
15 four (4) days. We thank you, Betty, and we thank you,
16 Maryjane, for your dedication and your translation.
17 Masi cho.

18 Pido, I'd like to thank Pido and
19 Norbert over there in the black shirt. Everybody
20 knows Norbert. Thank you, Norbert, for making sure
21 that our voices are loud and we're all being able to
22 hear each other speak.

23 Bob, for the translation services --
24 the transcription services you're providing. Masi cho
25 for sitting there and bearing with us.

1 Liidlili Kue First Nation, masi cho for
2 your hospitality. The warm welcome. And we recognize
3 also the Metis. Masi cho. To the village of Fort
4 Simpson for the use of the facility. Thank you so
5 much. It's always comfortable. We're glad we're not
6 in the middle of July where it's stifling heat, so
7 we're glad we had this hearing early.

8 Thank you to the Board members, and the
9 staff and counsel that sat through this and
10 participated in the hearing. Masi cho to them, and
11 thank you.

12 Can Zinc, thank you for bringing your
13 team, your expertise in -- in the area that you're
14 well known for. Thank you for the many presentations,
15 and the thousand questions that you answered. I'll
16 never forget your Dave -- your voice, Dave Harpley.
17 You need to write a book.

18 At this time, I would like to invite
19 our host, Chief Jerry Antoine, with his closing
20 remarks.

21

22 (BRIEF PAUSE)

23

24 CLOSING COMMENTS BY LIIDLII KUE FIRST NATION:

25 CHIEF JERRY ANTOINE: Masi.

1 (INTERPRETED FROM SOUTH SLAVEY INTO ENGLISH)

2

3 CHIEF JERRY ANTOINE: Thank you. I am
4 so thankful that everybody gather here for the last
5 few days, and all the members from Nahanni Butte.

6 I know there are a lot of things that
7 they want on our land. I guess that's the reason why
8 we're -- we all gather here for the past few days.
9 I'd like to thank them as well for all the people that
10 were at attendance at the meeting.

11 I know they want to go out and work out
12 on our land. And so however they're going to proceed
13 with their work, they shared that with us so that --
14 I'd like to thank them very much. And so the people
15 that are sitting across me, they're the ones that
16 gather all our -- our statements, and their
17 statements, and that's how they come up with one (1)
18 big sma -- statement to be able to go forward. So I
19 would like to thank them for that, as well.

20 And all of the people that lived up
21 here, I'd like to thank every member that's here
22 within our community. And I know when we look at each
23 other -- and we all care for one another. We share
24 stories with one another. We listen to each other,
25 and we definitely do help each other. So I know

1 there's a lot of our Elders have told us, and that's
2 exactly how we're following their path, and we're
3 still going to continue that in the future.

4

5 (BRIEF PAUSE)

6

7 CHIEF JERRY ANTOINE: Sometimes during
8 this afternoon, we did a little presentation through
9 LKFN, and I'd like to make a little bit of comment on
10 that. He say, yesterday, our Elder Flora Cli had made
11 a comment, and she talk about how our -- our -- the
12 island has been developed right from the beginning.

13 And now when we look in our community,
14 there are things that are -- it's -- it's very
15 difficult in our community. It -- a lot of us are
16 losing our language, and a lot of people are not
17 utilizing the land as much like they used in the past.

18 So when we look at the people from
19 Nahanni Butte, we do not want them to lose their
20 culture. We do not let -- want them to lose their
21 language, and still continue to be able to go out on
22 the land. And we had -- recently, a lot of them came
23 here and they paid a visit, and so that, I'd like to
24 thank them.

25 So however they want to proceed with

1 the work in their community, they had shared that with
2 me. And then we have further discussed about every --
3 everything else within the community. And so I told
4 them, if they're going to do work and within their
5 community too, they -- they need to share with others
6 within the community.

7 And all the stories of the Elders is
8 very important, and that is how we need to continue to
9 strengthen ourself and be able to go forward, exactly
10 how our Elders used to do. And that is the kind of
11 stories that we shared amongst each other. It was
12 Jayne, and Peter, Leon, Francis.

13 However you base your thoughts and your
14 decisions on, that I'd like to thank you from my
15 heart. And Peter, and Mark (phonetic) and I, we had
16 sat together, and we shared some stories. And I guess
17 that's how they want to go, so just go with your
18 heart.

19 So when we take a look at that, and
20 however things are set for, you go with your thoughts
21 and your hearts. And now when you take a look at
22 everything, sometimes things are giving good for us in
23 life, and sometimes things go right. And sometimes it
24 does get difficult for us, but we have to overcome all
25 the things that gets in front of us.

1 So now, however, things are in their
2 community, Nahanni Butte, we sat together and we
3 discussed about the possibility of things that may
4 affect within our community, and so that was how our
5 day had begun. Now, when we look at everything in our
6 community, it is very difficult for us, but we need to
7 look towards the bright light. And, in this way,
8 we're -- be able to go forward, and we'd be -- and
9 we'd be able employed a lot of our -- our community
10 members in the workforce.

11 And when we work like that, we need to
12 be able to work together, so we still have to sit
13 together. And those kind of things we still have to
14 continue discussing, even though there's nothing -- it
15 doesn't look very good ahead of us, but we need to
16 still continue to look forward.

17 So these things I'd like to express
18 with all the member that are here. So continue doing
19 what you do in your community. Continue working. So
20 all these young people that are here that made other
21 comments, and -- they're really expressing their --
22 their feelings that there is no job within their
23 community, so whatever you have discussed with me I'd
24 like you to sit with your youth and tell them
25 everything of all your problems within your community

1 and maybe -- and try to help out your youth.

2 And even our Elders too. And we still
3 have to continue with our youth so they can finish
4 their education. And we still have to continue
5 teaching them our language and how to live out on the
6 land.

7 So if we put these two (2) things
8 together and they will become like two individuals
9 that be able to go out into the -- the world by
10 themselves. So we need -- you need to be there to
11 help them all. So this is the information that I'd
12 like to share with you.

13 And it's very important when we sit
14 together and we share information and that's how we --
15 we'll be able to go forward. Now, all of us that's
16 living here, we are from -- we're all the Dene people
17 that lives here in the community. A long time ago a
18 lot of our Elders that were among us, they used to
19 work together and that was how we were going forward.
20 But we still have to continue that even though -- if
21 our Elders are not here with us, we still have to
22 continue respecting one another.

23 And this way things will possibly will
24 go away and this way we'll be able to go forward into
25 the future. So all the people, the young generation

1 that's coming behind, they need to take a look at
2 this. And if they see us they'll be able to create a
3 very good future for themselves as well.

4 So I often think about everything
5 that's happening within our community and with all the
6 people in the area. And -- and whatever happens
7 within our region, in the Dehcho region and with the
8 Dene Nation, we all -- it just seems like how we're
9 going to make things better for us for the future.

10 So the way how were going to start is
11 you have to start within your community and building
12 up the strength in your community to be able to go
13 forward. So with all your comments and your
14 statements that have been given our today, and that
15 was exactly how I have picked up the information.

16 So I'm glad that you're continuing that
17 in your community and that I'd like to thank you for
18 continue that kind of work within your community. And
19 this way things will go your way and that's how we're
20 going to go forward.

21 Now, whatever happens in your backyard,
22 in your community, and whatever your thoughts are
23 based on, we are there to support you from our
24 community. And whatever happens out in the mountains
25 and the effects that we're going to feel down here in

1 the valley, and I'm sure you're going to feel the
2 effects in your home as well.

3 And so in order for us to go forward in
4 a friendly way, we need to be able to work together
5 and stand strongly together. I guess that's the
6 reason being we gather for the last four (4) days and
7 we -- and -- and we heard a lot of good information
8 from all the agencies.

9 So last -- last few days during -- on -
10 - on Monday when the team went over to Nahanni Butte,
11 I wanted to be part of the team, but apparently I did
12 not make it to your community, but I'm here with you
13 today, so I'm sharing all my information with you.
14 And that's how things are going to happen for us in --
15 in our area. So I guess that's a reason being we
16 gathered here for four (4) days. So that I'd like to
17 thank everybody.

18

19 (INTERPRETATION CONCLUDED)

20

21 CHIEF JERRY ANTOINE: The other thing
22 I just wanted -- talking to the Dene people and our --
23 they -- they're -- our visitors from Nahanni, and
24 because we're -- we're -- we have collective things
25 and we need to work together.

1 And the other thing too that I wanted
2 to mention is that what I heard from Flora and Francis
3 is that some people refer it to as "traditional
4 knowledge," and for Dene people, it's more than that.
5 It's -- like you heard the scientists talk about data
6 and, you know, observations and all these calculations
7 that they talk about. I want to point something out.
8 What the Dene people had shared is the -- those data,
9 those observations, all these measurements, and it's
10 not -- like in school, it's for four (4) years, and
11 you study and you get your degree. These people,
12 these information that they've collected is over
13 thousands of years. And the point that I made in my
14 opening remark is that that has to be paramount.

15 And that's -- this the reason why, like
16 with my team, is that we wanted to see how those
17 things could be built on this Dene knowledge. And the
18 Dene people have this vast knowledge. And what I
19 heard when Flora and Francis talked about it and I
20 heard the scientists, the scientists are at this level
21 but what the -- when they talked, their level is this
22 high.

23 So when things are going to happen on
24 our land, this information should never be dismissed.
25 It should be paramount, and that was the point in my

1 opening remark, because it -- it is -- it has merit
2 because these people here, our ancestors, know this
3 vast history for thousands of years. So when things
4 are going to happen, it should not be dismissed.

5 And the way I see it, is that if you --
6 if you have this paramount -- this Dene knowledge, the
7 Dene data, all these cultural measurements, you have
8 the scientific stuff, it should be right underneath
9 it. That's how it should be but it's not.

10 So my point in my opening remark is
11 that use us. You have the people here that have that
12 knowledge; use that. And if there's going to be a
13 project, okay, it -- it -- this is -- this is -- what
14 do you call it: "regulations". This is what you call
15 "requirements". And that's the point that people made
16 at the Berger Inquiry. Masi.

17 THE CHAIRPERSON: Masi cho, Chief. I
18 would now like to invite Chief Antoine for closing
19 prayer.

20

21 (CLOSING PRAYER)

22

23 THE CHAIRPERSON: The formal hearings
24 for the Prairie Creek all-season road are now
25 officially closed. Masi cho.

1 --- Upon adjourning at 5:44 p.m.

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3 Certified by,

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Robert Keelaghan, Mr.

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