



Fisheries
and Oceans

Pêches
et Océans

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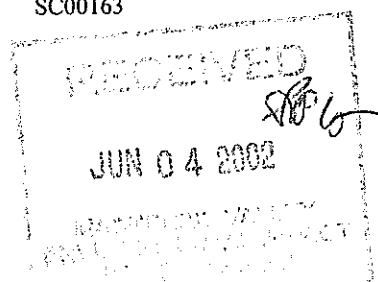
Your file *Votre référence*

Our file *Notre référence*

SC00163

June 3, 2002

Luciano Azzolini
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
Box 938, Yellowknife, NT. X1A 2N7



Dear Mr. Azzolini;

**RE: Mackenzie Valley Environmental Impact Review Board (Board)
Information Request to Government on:**

- i) Consultation with Affected First Nations**
- ii) Post Approvals Monitoring**

Fisheries and Oceans Canada (DFO) has reviewed the information request from the Board and provides the following response:

i) Consultation with Affected First Nations

Thus far in the Environmental Assessment (EA) Phase for the DeBeers' project proposal, DFO has not undertaken consultation with first nations or Metis groups therefore details of consultation efforts are not available.

The IR preamble speaks of the obligation of government to consult when rights may be infringed by "approvals" related to the development. Given that DFO is not undertaking any approvals process at this time, DFO's consultation process has not yet begun.

Under the Mackenzie Valley Resource Management Act, the EA phase of project review is undertaken by the Board with equal opportunity given to all reviewers to provide comment to the Board. It is DFO's understanding that it is contingent upon the Board to ensure opportunities for public involvement are provided and to ensure public concerns are considered during the EA process.

DFO will participate in public technical sessions that may take place during the EA phase to gather input on DeBeers' proposal as it pertains to impacts on fish and fish habitat and the proposed compensation for those impacts. The public is also encouraged to review and submit comment on all aspects of the project proposal including those pertaining to DFO's mandate. DFO will therefore be able to consider public concerns raised during the EA phase, when and if the project proceeds to the Regulatory phase and DFO initiates a regulatory course of action.

As the regulatory process unfolds, again contingent upon the Board's recommendations at the conclusion of the EA phase, DFO intends to continue with a process established during previous major project reviews of incorporating public comment into the development of a draft authorization and circulating that draft for review and comment prior to finalization.

ii) Post Approvals Monitoring

The intent of the Environmental Agreement monitoring system was to establish a process for affected aboriginal communities to be involved in the monitoring and management of projects. The value of such a system is sound, however, whether such monitoring requires a formal framework beyond that provided for in a Water License and/or other approvals that may be issued for this development, is yet to be determined. Although DFO recognizes and supports the need for post approval monitoring as an essential component of environmental management, we have not formed an opinion on whether an Environmental Agreement is the appropriate vehicle for establishing such a framework.

Sincerely,

Julie Dahl
Area Chief, Habitat
DFO – Habitat Management
Western Arctic Area

/jd

cc. Marc Lange – DFO, Western Arctic Area