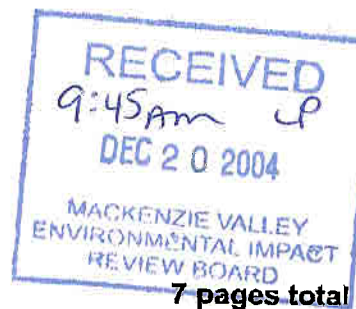


FAX

Dec. 20-
Referring to DFO +
MVEIRB.



EA02-00
INAC to
MVEIRB
re: completion
of Council
to Modify
Dec 17/04

To:

Grand Chief Herb Norwegian
Her Worship Mayor Diane Gonet
Her Worship Mayor Maggie Levavasseur
His Worship Mayor Raymond Michaud
Grand Chief Frank Andrew
Edwin Erutso, Chairperson
His Worship Mayor Edward MacCauley
Her Worship Mayor Ann Marie Tout
Chief Ronald Pierrott
Fred Carmichael, President
His Worship Mayor Billy Archie
His Worship Mayor Peter Clarkson
Chief Peter Ross

His Worship Mayor Philip Blake
Wado Romanko
Bruce Hanna
Gavin More

Mieko Vander Valk

cc: Alan Ehrlich

Christine Inglangasuk
Letitia Pokiak

Deh Cho First Nations 867-695-2038
Hamlet of Fort Liard 867-770-4004
Hamlet of Fort Providence 867-699-3210
Village of Fort Simpson 867-695-2005
Sahtu Dene Council 867-589-4908
Sahtu Secretariat Incorporated 867-589-4908
Hamlet of Tulita 867-588-4908
Town of Norman Wells 867-587-3701
K'ahsho Got'ine Charter Community Council 867-598-2024
Gwich'in Tribal Council 867-777-7919
Town of Aklavik 867-978-2434
Town of Inuvik 867-777-8601
Charter Community of Tsiigehtchic/ 867-953-3302
Gwichya Gwich'in Council
Hamlet of Fort McPherson 867-952-2725
Environment Canada 867-873-8185
Department of Fisheries and Oceans 867-669-4941
Resources, Wildlife and Economic Development,
Government of the Northwest Territories 867-873-0114
National Energy Board (NEB) 403-292-5876

Mackenzie Valley Environmental Impact
Review Board (MVEIRB) 867-766-7074
Environmental Impact Screening Committee 867-777-2610
Environmental Impact Review Board 867-777-2610

From: Lorraine Seale, Department of Indian Affairs and Northern Development
Date: December 17, 2004
Number of Pages: 7, including this one

Attached please find a December 8, 2004 letter from the Minister of DIAND to the Chair of the MVEIRB, conveying the Responsible Ministers' decision under sub-paragraph 130(1)(b)(ii) of the *Mackenzie Valley Resource Management Act* (MVRMA) to accept with modifications the MVEIRB's Report of Environmental Assessment on the WesternGeco Mackenzie and Liard Rivers 2D Seismic Program.

This letter is being distributed in accordance with sub-paragraph 130(4) of the MVRMA, which states:
The Federal Minister shall distribute a decision made under this section to the Review Board and to every first nation, local government, regulatory authority and department and agency of the federal or territorial government affected by the decision.

For your information I have also attached a December 16, 2004 letter from the NEB's Chief Conservation Officer to the Chair of the MVEIRB, conveying the NEB's decision under sub-paragraph 131(1)(b) of the MVRMA to accept with modifications the MVEIRB's Report of Environmental Assessment on the WesternGeco Mackenzie and Liard Rivers 2D Seismic Program.

Please distribute these letters within your organizations as appropriate. You may have already received the letters earlier today from the MVEIRB, which has sent them to its WesternGeco Environmental Assessment Distribution List.

These letters are being cc'd to the Environmental Impact Screening Committee and the Environmental Impact Review Board for the Inuvialuit Settlement Region for information only.

Please contact me if you have any difficulties with the transmission.

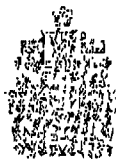
Lorraine Seale
Phone: 867-669-2590

Fax: 867-669-2701

Email: sealel@inac-ainc.gc.ca

170

Ministre des Affaires indiennes et
du Nord canadien et interlocuteur fédéral
auprès des Métis et des Indiens non inscrits

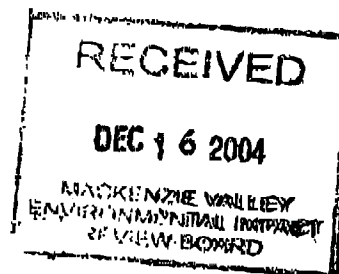


Minister of Indian Affairs and
Northern Development and Federal Interlocutor
for Métis and Non-Status Indians

Ottawa, Canada K1A 0H4

DEC 8 2004

Mr. Todd Burlingame
Chair
Mackenzie Valley Environmental
Impact Review Board
PO Box 938
YELLOWKNIFE NT X1A 2N7



Dear Mr. Burlingame:

As you are aware, Indian and Northern Affairs Canada, as the Federal Minister under the *Mackenzie Valley Resource Management Act*, and on behalf of the Responsible Ministers with jurisdiction, namely Fisheries and Oceans, Environment Canada, and the Government of the Northwest Territories, entered into a consult to modify process with the Mackenzie Valley Environmental Impact Review Board (Review Board) and the National Energy Board in April 2004. As the Federal Minister, and on behalf of the Responsible Ministers, I am writing to convey our decision on the Review Board's June 30, 2003 Report of Environmental Assessment for the WesternGeco Ltd.'s Mackenzie and Liard Rivers 2D Seismic Program 2003 (Report of Environmental Assessment).

This decision was taken after considering the above-noted Report of Environmental Assessment by:

- undertaking consultation with the Review Board on measures contained in the Report of Environmental Assessment, pursuant to sub-paragraph 130(1)(b)(ii) of the *Mackenzie Valley Resource Management Act*;
- considering the letter from the Review Board to the National Energy Board and Indian and Northern Affairs Canada (June 16, 2004);
- considering the letter from Fisheries and Oceans to the Review Board (June 24, 2004);
- considering the letter from the National Energy Board to the Review Board (July 8, 2004); and
- considering the letter from the Review Board to the National Energy Board, Indian and Northern Affairs Canada, and Fisheries and Oceans Canada (July 27, 2004).

.../2

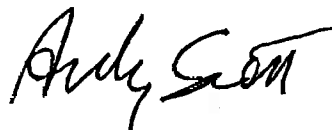
Canada

- 2 -

Pursuant to sub-paragraph 130(1)(b)(ii) of the *Mackenzie Valley Resource Management Act*, the Minister of Indian Affairs and Northern Development is adopting the recommendation of the Review Board with modifications. The modifications are in regard to the three recommended measures identified by the Review Board as being necessary to prevent a likely significant adverse impact on the environment. The final adopted measures are enclosed, and reflect the views expressed by the Review Board in the consultation process and in its letters of June 16 and July 27, 2004.

I would like to thank the Review Board for discharging its duties under the *Mackenzie Valley Resource Management Act* in this matter.

Yours sincerely,



The Honourable Andy Scott, PC, MP

Encl.

c.c.: The Honourable Stéphane Dion, PC, MP
The Honourable Geoff Regan, PC, MP
The Honourable Brendan Bell, MLA
Mr. Terry Baker

**Report of Environmental Assessment on the WesternGeco Mackenzie
and Liard Rivers 2D Seismic Program**

Measure 1 (as modified)

The Review Board recommends that WesternGeco revise its monitoring and mitigation plan (the Plan) in consultation with Fisheries and Oceans in order to assess and minimize the potential for air gun operations to result in significant adverse environmental effects on fish.

The revised Plan shall be submitted for National Energy Board approval prior to the commencement of the seismic program.

As a component of the development of the revised Plan, WesternGeco and Fisheries and Oceans will complete a site-by-site assessment of the routing of the seismic program in relation to potential shutdowns related to sensitive areas identified by Fisheries and Oceans in its Technical Report of June 9, 2003, and submission of June 13, 2003. Fisheries and Oceans must invite the Gwich'in and Sahtu Renewable Resource Boards, the Deh Cho First Nations and Métis to participate in discussions of the revised Plan.

If the results of the research study referred to in recommendation 2 are available when the Plan is revised, they shall be incorporated into the revised Plan.

Measure 2 (as modified)

The Review Board recommends that Fisheries and Oceans adopt, as a priority, the undertaking of a research study to address some of the key information gaps regarding the potential impacts on fish resulting from riverine seismic operations and make reasonable efforts to secure the necessary funding. The study should be designed in consideration of comments raised in the Review Board's Environmental Assessment regarding research design and methodology.

Measure 3 (as modified)

The Review Board recommends that WesternGeco commit to compensate the Deh Cho First Nations and Métis harvesters for any direct fish and harvesting equipment losses suffered as a result of project activities. A letter describing this commitment must be filed by WesternGeco with the National Energy Board prior to the commencement of seismic operations.

12/16/2004 16:07 FAX 867 920 4761

M V E I R B

DEC-15-2004 17:47

NEB OPERATIONS

→ INAC-E&C

403 292 5876

005/007
P.02/04National Energy
BoardOffice national
de l'énergie

NEB File: 9180-W730-2
MVEIRB File: EA02-002
15 December 2004

Mr. Todd Burlingame
Chair
Mackenzie Valley Environmental
Impact Review Board
P.O. Box 938
Yellowknife, NT X1A 2N7

**Completion of the s.131(1) Consultation to Modify Process on the Report on Environmental
Assessment for WesternGeco Ltd.'s Mackenzie and Liard Rivers Seismic Program 2003**

Dear Mr. Burlingame:

The National Energy Board (NEB) as the designated regulatory agency for WesternGeco Ltd.'s proposed Mackenzie and Liard Rivers Seismic Program 2003 entered into a consult to modify process with the Mackenzie Valley Environmental Impact Review Board (MVEIRB) and Indian and Northern Affairs Canada (INAC) in April 2004. The NEB has made its decision on MVEIRB's Report of Environmental Assessment for the WesternGeco Mackenzie and Liard River 2D Seismic Program (EA Report).

This decision was taken after:

- Considering the above noted EA Report;
- Undertaking consultation with the Mackenzie Valley Environmental Impact Review Board (Review Board) on measures contained in the EA Report, pursuant to sub-paragraph 131(1) of the *Mackenzie Valley Resource Management Act* (MVRMA);
- Considering the letter from the Review Board to the NEB and INAC (16 June 2004)
- Considering the letter to the Review Board from Fisheries and Oceans Canada (June 24, 2004);
- Considering the letter to the Review Board from the NEB (July 8, 2004);
- Considering the letter from the Review Board to the NEB, INAC and Fisheries and Oceans Canada (July 27, 2004);

Pursuant to section 131(1)(b) of the MVRMA, the NEB is adopting the recommendation of the Review Board with modifications. The modifications are in regard to the three recommended measures identified by the Review Board as being necessary to prevent a likely significant adverse impact on the environment. The final adopted measures are enclosed, and reflect the views expressed by the Review Board in the consultation process and in its letters of 16th June and 27th July 2004.

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

444, Septième Avenue S.-O.
Calgary (Alberta) T2P 0X8

Canada

Telephone/Téléphone : (403) 292-4800
Facsimile/Télocopieur : (403) 292-5503
<http://www.neb-one.gc.ca>

12/15/2004 WED 17:10 [TX/RX NO 7167]

12/20/2004 MON 09:23 [TX/RX NO 7181]

DEC-20-2004 MON 09:05 AM

FAX NO.

P. 06/07

12/16/2004 16:07 FAX 867 920 4761

M V E I R B

→ INAC-E&C

0006/007

DEC-15-2004 17:48

NEB OPERATIONS

403 292 5876

P.03/04

We would like to thank the Review Board for completing its duties under the MVRMA in this matter. The NEB will now proceed with its regulatory responsibilities for the proposed program.

Yours truly,



T. M. Baker

Chief Conservation Officer

c.c.: Honorable Minister Andy Scott, PCMP fax: (819) 953-4941
Mr. Lorne Tricoteux, Associate Regional Director General of Indian Northern Affairs Canada, fax (867) 669-2703
Mr. Steve Whidden, WesternGeco Canada, fax: (403) 509-4217
Mr. David Livingstone, Indian and Northern Affairs Canada, Yellowknife, fax: (867) 669-2701
Mr. Bruce Hanna, Fisheries and Oceans Canada, Yellowknife, fax: (867) 669-4940

12/15/2004 WED 17:10 [TX/RX NO 7167]

12/20/2004 MON 09:23 [TX/RX NO 7181]

**Report of Environmental Assessment on the WesternGeco Mackenzie
and Liard Rivers 2D Seismic Program**

Measure #1 (as modified)

The Review Board recommends that WesternGeco revise its monitoring and mitigation plan (the Plan) in consultation with Fisheries and Oceans Canada (the DFO) in order to assess and minimize the potential for air gun operations to result in significant adverse environmental effects on fish.

The revised Plan shall be submitted for NEB approval prior to the commencement of the seismic program.

As a component of the development of the revised Plan, WesternGeco and DFO will complete a site-by-site assessment of the routing of the seismic program in relation to potential shutdowns related to sensitive areas identified by DFO in its Technical Report of June 9, 2003 and submission of June 13, 2003. DFO must invite the Gwich'in and Sahtu Renewable Resource Boards, and the Deh Cho First Nations and Métis to participate in the discussion of the revised Plan.

If the results of the research study referred to in recommendation #2 are available when the Plan is revised, they shall be incorporated into the revised Plan.

Measure #2 (as modified)

The Review Board recommends that DFO adopt, as a priority, the undertaking of a research study to address some of the key information gaps regarding the potential impacts on fish resulting from riverine seismic operations and make reasonable efforts to secure the necessary funding. The study should be designed in consideration of comments raised in the Review Board's Environmental Assessment regarding research design and methodology.

Measure #3 (as modified)

The Review Board recommends that WesternGeco commit to compensate Deh Cho First Nations and Métis harvesters for any direct fish and harvesting equipment losses suffered as a result of project activities. A letter describing this commitment must be filed by WesternGeco with the NEB prior to the commencement of seismic operations.