

Mackenzie Valley Environmental Impact Review Board
Box 938, 5102-50th Avenue, Yellowknife, NT X1A 2N7

Date: Friday June 28, 2002
From: Joe Acorn, Environmental Assessment Officer
Pages: 8 including these 3 cover pages
File: EA02-002 WesternGeco Mackenzie River 2D Seismic Program

Subject: Notice of Environmental Assessment Referral

Please see the attached letters. If anyone wants to be removed from this distribution list or can suggest others who should be added to it, please let me know. Thanks.

Developer

Marty Swagar, WesternGeco	(403) 509-4562
Keith Rossindell, WesternGeco	(403) 509-4562
Bob White, WesternGeco	(867) 678-2556
Leslie Green, Golder Associates	873-6379
Derek Melton, Golder Associates	(403) 299-5606
Darryl Johannesen, Golder Associates	(403) 299-5606

FAXED
28/06/02

Mackenzie Valley

Latisha Heilman, Mackenzie Valley Land and Water Board	873-6610
Chris Paci, Dene Nation	920-2254

Deh Cho Region

John Bartlett, Deh Cho First Nations	(867) 695-2038
Floyd Bertrand, Acho Dene Koe	(867) 770-4144
Ernie MacLeod, Fort Liard Metis Local #67	(867) 770-3266
John McKee, Hamlet of Fort Liard	(867) 770-4104
Leon Konisenta, Nahanni Butte First Nations	(867) 602-2910
Stanley Sanquez, Jean Marie River First Nation	(867) 809-2002
Rita Cli, Liidlil Kue First Nation	(867) 695-2665
Albertine Rodh, Fort Simpson Metis Local #52	(867) 695-2040
Bruce Leclaire, Village of Fort Simpson	(867) 695-2005

The document accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is legally protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any action in reference to the contents of this telecopied (faxed) information is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us by regular mail.

From Joe Acorn
MVEIRB
P.O. Box 938
Yellowknife, NT X1A 2N7
Phone (867) 766-7052
Fax (867) 766-7074

Sharon Pellissey, Pehdzeh Ki First Nation

(867) 581-3229

Sahtu Region

Larry Hutchinson, Sahtu Secretariat Inc.

(867) 589-4908

Frank Andrew, Sahtu Dene Council

(867) 589-4908

Frank Andrew, Tulita Dene Band Council

(867) 588-3613

Rocky Norwegian, Fort Norman Metis Land Corporation

(867) 588-3806

Gordon Yakeleya, Tulita Land and Financial Corporation

(867) 588-4025

Rocky Norwegian, Hamlet of Tulita

(867) 588-4908

Jody Snortland, Sahtu Renewable Resource Board

(867) 588-3324

Larry Tourangeau, Ernie MacDonald Land Corp.

(867) 587-2455 2545

Alec Simpson, Town of Norman Wells

(867) 587-3701

Delphine Pierrot, K'ahsho Got'ine Community Council

(867) 598-2024

Fort Good Hope Metis Land Corp.

(867) 598-2105 2160

Xahweguweh Yamoga Corporation

(867) 598-2437

George Govier, Sahtu Land and Water Board

(867) 598-2325

Gwich'in Region

Fred Carmichael, Gwich'in Tribal Council

(867) 777-4538

Peter Ross, Gwichya Gwich'in Council/Charter Community of Tsiigehtchic

(867) 953-3302

Abraham Wilson, Tetlit Gwich'in Council

(867) 952-2212

Brian Alexie, Hamlet of Fort McPherson

(867) 952-2725

Charlie Furlong, Aklavik Indian Band

(867) 978-2937

Shauna Charlie, Hamlet of Aklavik

(867) 978-2434

James Firth, Nihtat Gwich'in Council

(867) 777-3090

Peter Clarkson, Town of Inuvik

(867) 777-2071

Robert Alexie, Gwich'in Land and Water Board

(867) 777-2616

Peter Clarkson, Gwich'in Renewable Resource Board

(867) 777-4260

Inuvialuit Region

Linda Graf, Environmental Impact Screening Committee

(867) 777-2610

Jonathan Allen, Environmental Impact Review Board

(867) 777-2610

Government

Jane McMullen, GNWT

jane_mcmullen@gov.nt.ca / 873-0114

Steve Harbicht, Anne Wilson, Environment Canada

anne.wilson@ec.gc.ca / 873-8185

Bruce Hanna, DFO

669-4940

Pete Cott, DFO

(867) 777-7501

Iannick Lamirande, NRCan

(613) 995-5719

Eric Yaxley, INAC

yaxleye@inac.gc.ca / 669-2701

The document accompanying this transmission contains confidential information intended for a specific individual and purpose. The information is private, and is legally protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any action in reference to the contents of this telecopied (faxed) information is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us by regular mail.

From Joe Acorn

MVEIRB

P.O. Box 938

Yellowknife, NT X1A 2N7

Phone (867) 766-7052

Fax (867) 766-7074

Mary Tapsell, INAC
Laura Van Ham, National Energy Board
Clark Norris, Transport Canada

tapsellm@inac.gc.ca / 669-2701
(403) 292-5876
(780) 495-6472

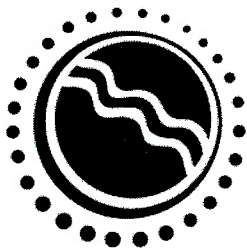
NGOs and Others

Greg Yeoman, Canadian Parks and Wilderness Society
Bill Carpenter, World Wildlife Fund
Nathan Cicoria, Lornel Consultants

[cpaw\\$nwt@theedge.ca](mailto:cpaw$nwt@theedge.ca) / 873-9593
wwfnwt@internorth.com / 920-4999
(403) 265-3874

The document accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is legally protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any action in reference to the contents of this telecopied (faxed) information is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us by regular mail.

From Joe Acorn
MVEIRB
P.O. Box 938
Yellowknife, NT X1A 2N7
Phone (867) 766-7052
Fax (867) 766-7074



Mackenzie Valley Environmental Impact Review Board

Our File EA02-002

June 28, 2002

To: Distribution List

Re: Notice of Referral to Environmental Assessment

The National Energy Board (NEB) and Fisheries and Oceans Canada (DFO), as per section 125(1) of the MVRMA, jointly referred the WesternGeco Mackenzie River 2D Seismic Program (the development) to the Mackenzie Valley Environmental Impact Review Board (Review Board) to undertake an environmental assessment (EA). The NEB's June 25, 2002 referral letter is attached.

Pursuant to subsection 126(5) of the *Mackenzie Valley Resource Management Act* (MVRMA), the Review Board notified WesternGeco of the referral. The Review Board's June 27, 2002 letter is attached.

The Review Board intends to meet to discuss this referral and decide upon an appropriate course of action. Further details regarding this EA will be provided after that meeting.

If anyone has any questions or requires additional information on the development or the environmental assessment process, please contact me at (867) 766-7052 or jacorn@mveirb.nt.ca.

Sincerely,

A handwritten signature in blue ink that reads "Joe Acorn".

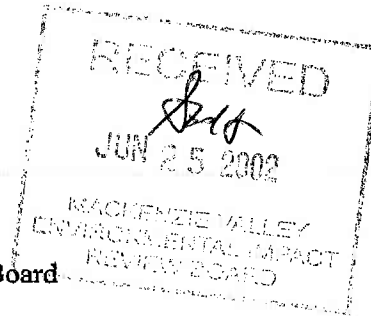
Joe Acorn

Environmental Assessment Officer

Attachments: 1) NEB letter to the Review Board
2) Review Board letter to WesternGeco

National Energy
BoardOffice national
de l'énergie

NEB File 9180-W730-2
DFO File SC02019
25 June 2002



Mr. Vern Christensen
Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre, 5120-50th Avenue
Yellowknife, Northwest Territories
X1A 2N7
Facsimile (867) 920-4761

Dear Mr. Christensen:

**Notice of Preliminary Screening Decision to refer the WesternGeco Canada Limited
Mackenzie River 2D Seismic Program 2002 to Environmental Assessment**

The National Energy Board (NEB) received a WesternGeco Canada Limited (WesternGeco) application on 23 April 2002 for an authorization pursuant to paragraph 5(1)(b) of the *Canada Oil and Gas Operations Act* to conduct a 2D, 1,800 linear km river seismic acquisition program on the Mackenzie and Liard rivers (the development). On 2 May 2002, the NEB notified the Mackenzie Valley Environmental Impact Review Board (MVEIRB) and initiated a preliminary screening pursuant to section 124 of the *Mackenzie Valley Resource Management Act* (MVRMA).

Pursuant to subsection 125(1) of the MVRMA, the NEB as the designated regulatory agency and Fisheries and Oceans Canada (DFO) as a regulatory authority are of the opinion that *the development might have a significant adverse impact on the environment*. Accordingly, the proposed 1,800 km development is referred to the MVEIRB for an environmental assessment.

Reasons for Decision (section 121 of the MVRMA)

The NEB and DFO feel that the acoustic effects and proposed mitigation measures of a river seismic program of this magnitude require further study in order adequately evaluate the residual impacts on fish and freshwater mammals. The potential impacts in question relate to changes in behaviour and physiology.

WesternGeco's proposed development entails a 2D river seismic program that runs the majority of the length of the Mackenzie and Liard rivers (approximately 1,800 km). The proposed seismic technology is a recorder/source and a source vessel each towing a 1500 in³ airgun array. The environmental impact assessment submitted by WesternGeco in support of its application

...2/

444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

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

Canada

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

contained a synopsis of relevant literature and acoustic modeling as it relates to potential impacts and proposed mitigation measures for an airgun seismic program. The NEB received a number of comments and questions regarding the development in response to its preliminary screening notification and request for review and comment (dated 2 May 2002). While it was recognized that the seismic technology has been used under various conditions in the past, expert agencies including DFO and Government of Northwest Territories Department of Resources, Wildlife and Economic Development (RWED) identified key information gaps in the submission related to potential impacts and effectiveness of mitigation on fish and freshwater mammals in the Mackenzie and Liard river systems.

The NEB Information Request (IR) No. 1 (dated 31 May 2002) provided an opportunity for WesternGeco to address these comments and questions during the preliminary screening. Following review of WesternGeco's submission in response to IR No. 1 (dated 10 June 2002), the NEB and DFO are of the opinion that the submission does not contain sufficient evidence to address the key information gaps identified above. Furthermore, the NEB and DFO are of the opinion that the key information gaps can only be addressed through collection and analysis of test data that is relevant to the Mackenzie and Liard river systems such as:

- acoustic output and attenuation of the seismic energy source;
- behavioral impacts of the seismic energy source on fish and freshwater mammals;
- physiological impacts of the seismic energy source on fish and freshwater mammals; and
- effectiveness of proposed mitigation measures.

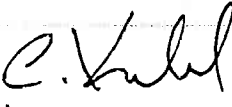
For the reasons stated above, the NEB and DFO are of the opinion that the lack of sufficient evidence related to the key information gaps coupled with the magnitude of the development as it relates to the Mackenzie and Liard rivers result in a decision that the *development might have a significant adverse impact on the environment*.

WesternGeco has proposed to undertake a test program, separate from its original application, to demonstrate that its proposed measures would effectively mitigate the potential significant adverse impacts on the environment. The NEB and DFO are of the opinion that the results of the test program are pertinent to the environmental assessment of the proposed development. The NEB and DFO anticipate that an appropriately designed test program would not result in a significant adverse impact on the environment.

The NEB and DFO anticipate that WesternGeco will finalize the design of the test program through consultation with DFO with respect to fish and fish habitat and RWED with respect to freshwater mammals. Following completion of the test program design, WesternGeco would submit an application to the NEB for a Geophysical Operation Authorization to conduct the test program. The NEB would conduct a preliminary screening on the test program, if required, utilizing relevant information gathered during the preliminary screening for the proposed 1,800 km development.

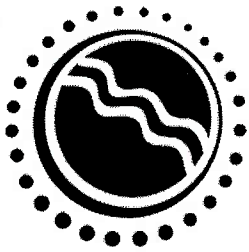
Please contact Laura Van Ham, Environmental Specialist, NEB, at 403-299-2769 or lvaham@neb-one.gc.ca or Pete Cott, Area Habitat Biologist, DFO, at 867-777-7520 or cottp@dfo-mpo.gc.ca if you have any questions or concerns related to this matter. Alternatively, please contact John Korec, NEB, at 403-292-6614 or jkorec@neb-one.gc.ca.

Yours truly,


for / T.M. Baker
Chief Conservation Officer
National Energy Board

Attachment

c.c. Ms. Julie Dahl, Area Chief, Habitat, Fisheries and Oceans Canada, facsimile (867) 669-4940
Mr. Pete Cott, Area Habitat Biologist, Fisheries and Oceans Canada, facsimile (867) 777-7501
Mr. Bob White, WesternGeco, facsimile (867) 678-2556
Mr. Marty Swagar, WesternGeco, facsimile 509-4562
Mr. Clark Norris, Transport Canada, facsimile (780) 495-6472
Ms. Zoe Posynick, Resources, Wildlife and Economic Development, facsimile (867) 873-0114
Mr. Wade Romanko, Environment Canada, facsimile (867) 873-8185



Mackenzie Valley Environmental Impact Review Board

Our File EA02-002

June 27, 2002

Marty Swagar
WesternGeco Canada Limited
Suite 2300, 645-7th Avenue SW
Calgary, AB T2P 4G8

Dear Mr. Swagar:

Re: Notice of Referral to Environmental Assessment

Pursuant to subsection 126(5) of the *Mackenzie Valley Resource Management Act* (MVRMA), you are hereby notified that the Mackenzie Valley Environmental Impact Review Board (Review Board) intends to undertake an environmental assessment (EA) of the WesternGeco Mackenzie River 2D Seismic Program (the development). The National Energy Board (NEB) and Fisheries and Oceans Canada (DFO), as per section 125(1) of the MVRMA, jointly referred the development to the Review Board with the NEB's June 25th, 2002 letter.

As part of the environmental assessment, the Review Board will determine the scope of the development, based on ss. 117(1), and must also consider the factors listed in ss. 117(2) of the MVRMA. To complete these required tasks as expeditiously as possible, the Review Board will be in further contact with WesternGeco and will place all pertinent information on the Review Board's Public Registry for this EA.

If you have any questions or require additional information on the environmental assessment process, please contact me at (867) 766-7052 or jacorn@mveirb.nt.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Acorn".

Joe Acorn
Environmental Assessment Officer