

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

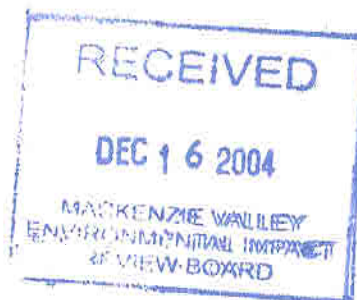


Minister of Indian Affairs and
Northern Development and Federal Interlocutor
for Métis and Non-Status Indians

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).

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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,

A handwritten signature in black ink, appearing to read "Andy Scott". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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.