

National Energy
Board



Office national
de l'énergie

15 December 2004

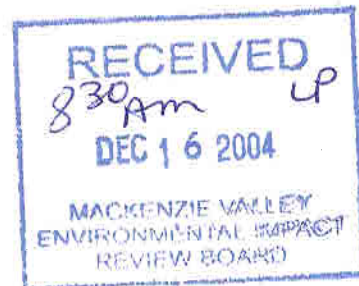
OUTGOING FACSIMILE - MESSAGE À EXPÉDIER

**Message To/
Destinataire :**

Mr. Todd Burlingame,

Cc

The Honorable Minister Andy Scott, PCMP
Mr. Lorne Tricoteaux,
Mr. Steve Whidden,
Mr. David Livingstone,
Mr. Bruce Hanna



Facsimile Number/

Numéro de télécopieur :

867-766-7074, - Mr. Todd Burlingame
819-953-4941 - The Honorable Minister Andy Scott
867-669-2703 - Mr. Lorne Tricoteaux
403-509-4217 - Mr. Steve Whidden
867-669-2701 - Mr. David Livingstone
867-669-4940 - Mr. Bruce Hanna

**Message From/
Expéditeur :**

Mieke Vander Valk

Number of pages (including cover page)/

Nombre de pages (incluant la page couverture) : 4

Remarks/Commentaires :

Please find attached letter for your records. If you have any questions or if the fax is not legible please contact me at 403-292-5048.

Regards;
Mieke Vander Valk

If you do not receive this message clearly please call operator at 403-292-5048

Communiquez avec auteur au 403-292-5048 si le message reçu n'est pas clair

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National 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.

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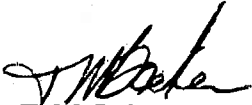
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We would like to thank the Review Board for completing its duties under the MVRMA in this matter. The NEB will now proceed with its regulatory responsibilities for the proposed program.

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

**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.