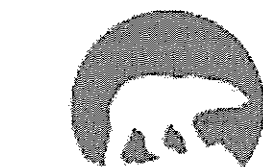


Preliminary Screening Correspondence**Northwest Territories Education, Culture and Employment**

December 19, 2003

Greg Smith
Regulatory Officer
Mackenzie Land and Water Board
7th Floor – 4910 – 50th Ave.
PO Box 2130
Yellowknife, NT X1A 2P6

By email: mvlwbpermit@mvlwb.com

Re: Imperial Oil Resource Ventures Ltd., Geotechnical Investigation Program; Deh Cho Region (MV2003L8-0012/MV2003X0045)

Further to our letter of December 9th, we wish to notify you that we have received additional information regarding heritage resources and research related to this project, and have carefully reviewed this material. Based on our review we have prepared a summary table presenting our recommendations for each of the proposed project sites in the Deh Cho region.

The project has the potential for causing significant damage to heritage resources in the region. We believe, however, that impacts to archaeological sites may be alleviated by ensuring that the proponent undertake the mitigative steps outlined in the attached table. These may be found in the column entitled "PWNHC Recommends."

For greater certainty, our recommended mitigative options mean:

Proceed: We have no concerns about this site and work can proceed as described.

Post Impact Assessment: An archaeologist holding a valid 2004 NWT Archaeologists Permit should inspect the site in the summer of 2004 to assess any impacts which might have occurred and recommend additional mitigative steps. Work can proceed this winter as planned.

Avoid Creek Bank: All activities within 250 metres of the creek bank should be avoided. Otherwise, work can proceed this winter as planned.

Site Avoidance: Coordinates for all known archaeological sites within the immediate operation zone should be provided to crews and they should be directed to observe the required 30 metre buffer. Note that the buffer starts at the site edge. Otherwise, work can proceed this winter as planned.

On-site Monitoring: An archaeologist holding a valid 2004 NWT Archaeologists Permit should be on-site as the work proceeds. This will require the submission, almost immediately, of a NWT Archaeologists Permit Application (to the PWNHC). We strongly recommend that the proponent begin the task of seeking consent from the community of Jean Marie River, and from the Deh Cho Tribal Council to facilitate the issuance of the archeologist's permit. Work should not be permitted at these locations unless an archaeologist is on site as the work is undertaken to monitor all ground-disturbing activities.

Sincerely,

Tom Andrews
Territorial Archaeologist
Prince of Wales Northern Heritage Centre

cc. rbalcom@golder.com
gclarke@golder.com
giesbrecht.greg@colteng.com
dana_lampi@gov.nt.ca
charles_Arnold@gov.nt.ca

**Colt KBR Geotechnical Investigations, 2004, within the Deh Cho Region
Heritage Resource Impact Recommendations"**

NAME	KP	TYPE	2002 Rating	Proponent's Recommendation	PWNHC Recommendation
FH12	824	FH	Moderate	Proceed	Post Impact Assessment
9.038PA	827	BS	High	Proceed	Post Impact Assessment
9.038PB	825	BS	High	Proceed	Post Impact Assessment
Blackwater R. Crossing	831	RC	High	Post Impact	Post Impact Assessment
9.091P	833	BS	High	Proceed	Post Impact Assessment
9.044PA	836	BS	High	Post Impact	Post Impact Assessment
9.044PB	836	BS	High	Post Impact	Post Impact Assessment
10.001P	837	BS	Moderate	Proceed	Post Impact Assessment
10.004P	844	BS	High	Proceed	Post Impact Assessment
10.003P	846	BS	Moderate	Proceed	Post Impact Assessment
FH13	853	FH	Moderate	Proceed	Post Impact Assessment
10.007P	868	BS	High	Post Impact	Post Impact Assessment
FH14	873	FH	Moderate	Proceed	Post Impact Assessment
10.013P	881	BS	Low	Proceed	Proceed
White Sands Cr. Crossing	884	RC	Moderate	Proceed	Post Impact Assessment
10.014 AP	884	BS	High	Proceed	Post Impact Assessment
10.020P	892	BS	High	Proceed	Post Impact Assessment
Ochre River Crossing	893	RC	Moderate to High	Post Impact	Post Impact Assessment
10.022P	895	BS	High	Proceed	Post Impact Assessment
10.030P	908	BS	Moderate	Proceed	Post Impact Assessment
FH15	911	FH	Moderate	Proceed	Post Impact Assessment
10.033P	912	BS	High	Avoid Creek Bank/Post Impact	Avoid Creek Bank Post Impact Assessment
FH16	916	FH	Moderate	Proceed	Post Impact Assessment
10.036P	921	BS	High	Proceed	Post Impact Assessment
10.120P	923	BS	High	Proceed	Post Impact Assessment
10.038PA	923	BS	High	Avoid Creek Bank/Post Impact	Avoid Creek Bank Post Impact Assessment
Wrigley Camp	923	C	Moderate	Proceed	Post Impact Assessment
Smith Creek Crossing	930	RC	None	Post impact	Post Impact Assessment
10.043P	930	BS	High	Proceed	Post Impact Assessment
FH17	934	FH	High	Proceed	Post Impact Assessment
10.044BP	932	BS	High	Post Impact	Post Impact Assessment
10.055P	945	BS	Moderate	Proceed	Post Impact Assessment
River Between Two Mountains	961	RC	High	Post Impact	Post Impact Assessment

10.071P	963	BS	High	Post Impact	Post Impact Assessment
10.072P	968	BS	Moderate	Proceed	Post Impact Assessment
Willowlake R. Crossing	989	RC	High	Post impact	Site Avoidance and Post Impact Assessment
20.015P	991	BS	High	Post Impact	Post Impact Assessment
Willowlake Camp	992	C	High	Post impact	Post Impact Assessment
11.019P	1017	BS	Moderate	Proceed	Post Impact Assessment
11.021P	1023	BS	Moderate	Proceed	Post Impact Assessment
11.033P	1033	BS	Low	Proceed	Proceed
11.055PA	1055	BS	High	Proceed	Post Impact Assessment
11.055PB	1057	BS	High	Proceed	Post Impact Assessment
FH18	1082	FH	Moderate	Proceed	Post Impact Assessment
20.018P	1086	BS	Moderate	Proceed	Post Impact Assessment
11.067P	1097	BS	High	Post Impact	Post Impact Assessment
11.071P	1123	BS	Low	Proceed	Proceed
Mackenzie R. Crossing	1137	RC	Moderate	Assessed (N. Side)	No ground disturbance on south side before full HRIA conducted. Post Impact Assessment
FH19	1140	FH	Moderate	Proceed	Post Impact Assessment
FH19T1	1145	FH	Moderate	Proceed	Post Impact Assessment
11.174P	1146	BS	High	Monitoring	On-site Monitoring
Fort Simpson	1146	C	Moderate	Proceed	Post Impact Assessment
11.192P	1181	BS	High	Monitoring	On-site Monitoring
11.204PA	1192	BS	Low	Proceed	Post Impact Assessment
11.204PB	1193	BS	Moderate	Proceed	On-site Monitoring
20.057P	1203	BS	High	Monitoring	On-site Monitoring
FH20	1231	FH	Moderate	Proceed	Post Impact Assessment
Trout Lake Camp	1237	C	High	Post impact	Post Impact Assessment
Trout River Crossing	1238	RC	High	Post impact	Post Impact Assessment
20.064P	1250	BS	Moderate	Proceed	Post Impact Assessment
20.002P	1259	BS	Low	Proceed	Post Impact Assessment
20.003P	1282	BS	Moderate	Proceed	Post Impact Assessment
FH21	1298	FH	Moderate	Proceed	Post Impact Assessment
20.004PA	1307	BS	High	Proceed	Post Impact Assessment
20.004PB	1305	BS	High	Proceed	Post Impact Assessment
FH22	1318	FH	Moderate	Proceed	Post Impact Assessment
20.006P	1319	BS	Low	Proceed	Proceed
20.066P	1330	BS	Low	Proceed	Proceed
20.008P	1338	BS	High	Proceed	Post Impact Assessment
20.068P	1348	BS	Low	Proceed	Proceed

Sambaa K'e Development Corporation.

PO Box 10, Trout Lake

Northwest Territories, X0E 0Z0

Telephone (867) 206-2800 Fax (867) 206-2828 Email: skdbchief@direcway.com

January 23rd, 2003

Greg Smith
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Ave. P.O. Box 2130
Yellowknife, NT, X1A 2P6

FAX: 867-873-6610

Regarding: **Land Use Permit Application
Imperial Oil Resource Ventures Ltd. MV2003X0045
Geotechnical Investigation Program Deh Cho Region**

Dear Mr. Smith,

Further to the Sambaa K'e Dene Band letter of January 2nd outlining the community's concerns regarding the proposed Geotechnical Investigation Program in the Trout Lake land use area, and recognizing that the deadline for comments has been extended, the Sambaa K'e Development Corporation has the following comments and information requests regarding this application.

In the permit application, there are numerous references to using the Trout Lake winter road, but no detail as to the nature of this use or the mitigative measures the developer will take to maintain the integrity of the road and road corridor. This road is a narrow, winding road that crosses three major creeks and travels through woodland caribou and fur bearer habitat. It is used as a public access road, a hunting corridor, and a trapping corridor. It is currently maintained, on a low-budget contract, by the Sambaa K'e Development Corporation.

There are a few issues associated with the use of this road.

1. The road base is not maintained for heavy truck traffic, but primarily for private vehicles. The road is easily disturbed by large truck traffic -- particularly the creek crossings, the approaches to creek crossings, tight corners, and areas where the ground is normally soft in winter due to underground springs and overflow. Large truck traffic normally chews up the road and causes significant problems for the traveling public. It is not clear in the application how much industrial traffic will be on the road during the investigation program.

Dene and Metis Building Together!

TELEPHONE (867) 699-3609, FAX (867) 699-3717

2. Because of the tight curves in some places in the road and low visibility during snowy weather and at night, safety concerns are an issue when heavy trucks are using the road. As well, passing large trucks on this road is very difficult.
3. It is known that heavy traffic noise causes the caribou to leave the road corridor for extended periods of time. Caribou leave the corridor during road construction and do not return for anywhere from a few weeks to months. New disturbances could drive the caribou away for the remainder of the winter. Heavy traffic could also affect fur bearers in this corridor.
4. The Sambaa K'e Development Corporation does not have the budget or capacity to upgrade the road to meet the requirements for industrial traffic. It was understood that ColtKBR would engage the Development Corporation in discussions regarding the upgrading and use of the road. Preliminary discussions were held, but there was no follow up by ColtKBR. At present, there is no understanding or agreement for the Development Corporation to provide the services necessary to upgrade the road to industrial standards. It is completely unacceptable for the Proponent to use another contractor for this work, given that the Sambaa K'e Development Corporation holds the existing maintenance contract for the road.

Therefore, the Sambaa K'e Development Corporation (on behalf of the Sambaa K'e Dene Band), has the following information requests:

- 1) To what extent will the winter road be used? What heavy equipment will be hauled over what time frame and what ongoing operational uses are required?
- 2) What upgrading does ColtKBR plan to do on the Trout Lake winter road and creek crossings prior to using it for industrial hauling and at what point will the Sambaa K'e Development Corporation be engaged to provide necessary upgrading and maintenance services?
- 3) What measures will ColtKBR take to ensure public safety on the road during the winter the program? Will public vehicles be able to safely pass large trucks when required and how will truck navigate tight corners to reduce the risk of accidents?
- 4) To what extent has ColtKBR assessed the impact of heavy truck traffic on woodland caribou and fur bearers within the corridor? What measures will be taken to reduce disturbances to wildlife and therefore minimize disruptions to community hunting and trapping?

We would appreciate answers to these information requests as soon as possible.

Yours truly,



Doug Bryshun
Sambaa K'e Development Corporation Manager

Fisheries
and OceansPêches
et OcéansFish Habitat Management
Suite 101, 5204-50th Avenue
Yellowknife, Northwest
Territories
X1A 1E2Your file: *Votre référence*Our file: *Notre référence*SC03090,
SC02165, SC03098Mackenzie Valley Land
& Water Board

January 16, 2004

File

ColtKBR
400, 10201 Southport Road SW
Calgary, AB
T2W 4X9JAN 16 2004
Application # MU200368-0015
MU2003X0045
Copied To PHIGS/RegAttention: Stephen Jasper

RE: ColtKBR Winter 2004 Geotechnical Investigations, Mackenzie Valley Pipeline Route (Gwich'in, Sahtu, Deh Cho regions), DFO conditions for identified streams and rivers to be used as water sources

Dear Mr. Jasper:

The Department of Fisheries and Oceans, Fish Habitat Management - Western Arctic Area (DFO) has received the requested information on intake rates for the pumps to be used for water withdrawal. On the basis of this information, I am providing the following comments on behalf of DFO.

1. The maximum intake rate of the pump is 1200 litres (1.2 cubic metres) per minute. Therefore, it is the recommendation of DFO that a minimum flow of 0.5 m³s (30 cubic metres per minute) be present for a stream or river to be used as a water source. This would ensure that no more than 4% of the instantaneous flow rate will be withdrawn, based on the submitted pump specifications. Smith Creek, Saline River, and Steep Creek are well below the 0.5 m³s minimum flow requirement and therefore should not be used as water sources. Thunder River, Oscar Creek, Bosworth Creek, and Little Smith Creek are estimated to be frozen in the winter and no water was requested from these sources.
2. Field measurements should be done on site, prior to any water withdrawal, to confirm the winter flow estimates that have been submitted to DFO. As per our telephone conversation today, it will be Colt KBR staff (likely the environmental inspector) that will take the measurements.
3. A minimum of three measurements should be taken across the channel in order to get an accurate estimate of the flow rate. This is especially important for the Ochre River and Big Smith Creek where the flow has been estimated to be 0.51 m³s, and the River Between Two Mountains and Whitesands Creek where the discharge was measured in April, 2002.
4. No excavation of the stream/ river bed should take place in order to have a hole that the intake hose can be placed in if shallow water is encountered. This would cause

sediment release downstream, and would also constitute a HADD (Harmful Alteration, Disruption, Destruction of fish habitat) under Section 35 of the *Fisheries Act*.

5. Water from the identified rivers and streams that meet the above criteria as a water source will be used strictly for the respective watercourse crossings, with the exception of the Mackenzie River.
6. Flow rates based on this winter's field measurements should be submitted to DFO along with the total water volume removed from each source. DFO would also appreciate digital photos of the crossings before they are constructed, after they are completed, and upon removal. This information should be submitted to DFO no later than May 30, 2004.

If you have any questions, please contact me at (867) 669-4931 or Pete Cott at (867) 777-7520.



Bruce Hanna
Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans- Western Arctic Area

Copy: Pete Cott, Area Habitat Biologist - DFO; Mark Simms, Fishery Officer Field Supervisor- DFO; Larry Dow, Fishery Officer Field Supervisor- DFO; Kevin Glowa, Rob Walker - INAC, Inuvik; Steve Deschene - INAC, Norman Wells; Shannon Pagotto - INAC, Water Resources; Dan Quevillon - INAC, Fort Simpson; Mike Fournier - Environment Canada; George Govier/ Murray Peacock - SLWB; Jody Snortland - SRRB; John Korec/ Mieke Vander Valk - NEB; Al Gibson - RWED, GNWT; Greg Smith - MVLWB; Darren Campbell - GLWB; Les Harris - GRRB



Fisheries
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et Océans

Fish Habitat Management
Suite 101, 5204-50th Avenue
Yellowknife, Northwest
Territories
X1A 1E2

Your file *Votre référence*

Our file *Notre référence*

SC03090

Mackenzie Valley Land & Water Board
Box 2130, Yellowknife, NT X1A 2P6
Sent via fax: (867) 669-6610

December 22, 2003

Attention: Greg Smith

RE: Land Use Permit/ Water Licence Applications MV2003X0045/ MV2003L8-0012, Imperial Oil Resources Ventures Ltd. Field Geotechnical Investigation Program Winter 2004, Deh Cho Region, NWT - DFO Letter of Advice

Dear Mr. Smith,

The Department of Fisheries and Oceans, Fish Habitat Management – Western Arctic Area (DFO) has reviewed the above mentioned applications.

Under Sections 124 and 125 of the *Mackenzie Valley Resource Management Act* (MVRMA), DFO is participating in a preliminary screening by providing specialist information and/or advice. DFO's assessment takes into consideration primarily fish and fish habitat related concerns.

Our main concerns are in relation to: water sources and water use required for access construction, drilling and camp use; water crossing locations and construction methodology; and the use of sumps when there are other viable alternatives that have been used in the north for dealing with camp wastes. These items and other general mitigation are further discussed in the attached DFO Letter of Advice addressed to the proponent. This information can be used in the development of the aforementioned Land Use Permit and Water Licence as required.

If you have any questions, please contact Bruce Hanna at (867) 669-4931 or myself at (867) 777-7520.

Pete Cott
Area Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans - Western Arctic Area

Copy: Bruce Hanna, Habitat Biologist – DFO; Larry Dow, Fishery Officer Field Supervisor-DFO; Dan Quevillon - INAC, Fort Simpson; Shannon Pagotto - INAC, Water Resources; Mike Fournier - Environment Canada; John Korec/ Mieke Vander Valk – NEB; Al Gibson – RWED, GNWT

Canada

Fisheries
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Box 1871, Inuvik, NT
X0E 0T0
Fax: (867) 777-7501

Your file Votre référence

Our file Notre référence

SC03090

December 22, 2003

Peter D. Grout - Manager, Regulatory Affairs
Imperial Oil Resources Ventures Limited
237 Fourth Avenue S.W.
P.O. Box 2480, Station "M"
Calgary, Alberta, T2P 0H6
Sent by Fax: (403) 237-2102

RE: Land Use Permit/ Water Licence Applications MV2003X0045/ MV2003L8-0012, Imperial Oil Resources Ventures Ltd. Field Geotechnical Investigation Program Winter 2004, Deh Cho Region, NWT - DFO Letter of Advice

Dear Mr. Grout,

The Department of Fisheries and Oceans, Fish Habitat Management – Western Arctic Area (DFO) has received the above mentioned project description. From the information provided it is my understanding that:

- A total of 64 sites are to be investigated, consisting of 46 potential granular resource sites, 8 water crossing sites, and 10 frost heave sites.
- Four sites will have test holes drilled in a river channel in addition to bore holes drilled on the banks (Blackwater River, River Between Two Mountains, Willowlake River, and the Mackenzie River). Drilling in the river channels will be cased to minimize the potential for material escaping into the watercourse.
- Drilling mud used at river crossing investigation sites will consist solely of bentonite and water. The mud will be removed from the site and buried in a sump a minimum of 100 metres from the riverbank. Cuttings will be backfilled into the test holes.
- Depending on snow conditions, up to 29,000 m³ of water may be required for winter access construction.
- There are several stream crossings anticipated along access routes.

***Please Note:** DFO still requires detailed locations on winter water crossings as per the *DFO Protocol for Temporary Winter Access Water Crossings for Oil & Gas Activities in the Northwest Territories*. This information can be submitted at the time of construction.

- 11 water sources have been identified for access construction and camp use.

***Please Note:** Only 8 of these lakes meet the *DFO Protocol for Water Withdrawal for Oil & Gas Activities in the NWT* or are otherwise acceptable as water sources to DFO as outlined in the proceeding table.

- Eight (8) watercourse crossings have been identified as water source areas for access construction.

***Please Note:** DFO is unable to comment on the use of these 8 watercourses as water sources until information on intake rates is provided. Water should not be withdrawn from these sites until DFO has reviewed the required information (forthcoming via ColtKBR).

Canada

SC03090

Page 1 of 5

- Two 65 person portable rig camps will be used in the Deh Cho Region, one in the Deh Cho North work area and one in the Deh Cho South work area. Total potable water requirements for the camp are estimated to be 1950 m³.
- A total of five camp sites are to be utilized. All campsites will be located a minimum of 100 metres from any watercourse or waterbody.
- At each campsite, fuel will be stored in double walled fuel sloops that will be equipped with automatic shut off valves. All sloops will be located in a bermed area that will have a holding capacity of 110% of the largest volume of fuel to be stored at the site.
- Fuel, oil or hazardous material storage will not be allowed within 100 metres of any watercourse or waterbody.
- All pump intakes will be properly screened with fine mesh of 2.54 mm to prevent the entrainment of fish.
- Sumps will be constructed to contain wastewater (sewage and grey water) at the five camp sites. No sumps will be located within 100 metres of the high water mark of any watercourse or waterbody.

In the report *Bathymetric Survey of Potential Water Bodies to Supply the 2004 Winter Geotechnical Program, Mackenzie Gas Project* (bathymetric report) some lakes that were under 1 km in length had only one transect run on them. This is contrary to the methodology outlined in the *DFO Protocol for Water Withdrawal for Oil & Gas Activities in the NWT* and what is outlined in Section 2.0 Methods (pg 4) of the bathymetric report. For future bathymetric surveys please ensure that the surveys are conducted, at a minimum, using the methodologies recommended by DFO. Also, please ensure that the location information in the surveys corresponds to the accompanying maps. In the bathymetric report, the location detail is expressed as UTM whereas the lake identification maps are in latitude and longitude, making it difficult to correlate the two. The photos in the report were extremely helpful and appreciated.

From review of the bathymetric report DFO has made the following determinations on the waterbodies selected as they pertain to water withdrawal:

Lake	DFO Recommendation	Rationale
DCN2	appropriate for water source	Meets depth criteria in DFO protocol
DCN7	appropriate for water source	Meets depth criteria in DFO protocol
DCN3	appropriate for water source	Meets depth criteria in DFO protocol
DCN5	appropriate for water source	Meets depth criteria in DFO protocol
DCN7X	appropriate for water source	Meets depth criteria in DFO protocol
DCN4	SHOULD NOT USE AS WATER SOURCE	Does not meet depth criteria in DFO protocol, possible sensitive over-wintering habitat for fish, with ice cover lake will likely form 3 discrete over-wintering locations
DCN6	SHOULD NOT USE AS WATER SOURCE	Does not meet depth criteria in DFO protocol, possible sensitive over-wintering habitat for fish
DCS11	SHOULD NOT USE AS WATER SOURCE	Does not meet depth criteria in DFO protocol, possible sensitive over-wintering habitat for fish, if 1.5m ice cover then withdrawal amount will exceed total available volume present in lake

DCS13	appropriate for water source	Not likely suitable over-wintering habitat for fish
DCS12 (Traninor Lake)	appropriate for water source	Very large lake, meets depth criteria in DFO protocol
DCS9	appropriate for water source	Not likely suitable over-wintering habitat for fish

***Please Note:** There may be additional restrictions on water usage from other regulators, resource boards or community organizations.

Since the proposed work will occur on and/or near waterbodies and watercourses throughout the Mackenzie River Valley, I have concluded that the proposed work may result in the harmful alteration, disruption or destruction of fish habitat. The following mitigation measures, if implemented, should prevent any potentially harmful impacts to fish and fish habitat. This list includes measures outlined in the proposal.

- Access routes should follow existing trails, winter roads or cut lines where possible to minimize unnecessary clearing of vegetation and soil compaction. Every effort should be made to retain riparian vegetation as it is critical for the protection of littoral and riparian fish habitats as well as for providing cover and enhancing bank stability.
- Water intakes should be properly screened with fine mesh of 2.54 mm (1/10") to prevent the entrainment of fish. Please refer to the *Freshwater Intake End-of-Pipe Fish Screen Guideline* (DFO, 1995) which is available upon request.
- "Mushroom shoes" or "boots" on bladed vehicles are recommended as a protective measure to minimize ground disturbance and erosion due to snow plowing and grading activity.
- The number of winter crossings should be reduced as much as possible. Crossing locations should be selected that would require the least amount of snowfill and water to construct.
- Cutting of crossing approaches is not permitted unless approved in writing by DFO. Please refer to the *DFO Protocol for Temporary Winter Access Water Crossings for Oil & Gas Activities in the Northwest Territories*.

Note: The use of material other than ice or snow to construct a temporary crossing-over of any ice-covered stream is prohibited under Section 11 of the *Northwest Territories Fishery Regulations*, unless authorized by a Fishery Officer.

- Winter crossings should not impede water flow and should be v-notched or otherwise removed prior to spring break-up.
- Reclamation activities should include bank stabilization and re-vegetation as required. This work should be completed prior to spring thaw when surface runoff is greatest.

Depositing deleterious substances into fish bearing waters is prohibited as stated under subsection 36(3) of the *Fisheries Act*. The following additional mitigation measures are intended to prevent the deposition of deleterious substances and possible habitat disturbance or loss:

- All activities including maintenance procedures and vehicular refuelling should be controlled to prevent the entry of camp wastes, drill cuttings, petroleum products, debris, slash, rubble, concrete or other deleterious substances into the water.
- All wastes should be located at least 100 metres from any waterbody including ephemeral drainages if possible, and be sufficiently bermed or otherwise contained to ensure that these substances do not enter any waterbody. DFO encourages alternate methodologies to the use of sumps as disposal techniques.
- Fuel storage should have secondary containment (such as doubled walled tanks, berms etc.) that is sufficient to ensure that fuel will not be able to enter any waterbody.
- No material should be left on the ice when there is the potential for that material to enter the water (i.e. spring break-up).
- A spill contingency plan should be made available to all persons required to work on site and followed in the event of a spill.
- All spills of oil, fuel, or other deleterious material should be reported immediately to the 24-Hour Spill Line at (867) 920-8130.

If the proposed work is carried out as described in the plans provided to DFO and mitigation measures are implemented as required, the proposed work will not be considered as contravening subsection 35(1) of the *Fisheries Act* which reads:

"No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat."

Therefore, an Authorization under subsection 35(2) of the *Fisheries Act* will not be necessary. If the harmful alteration, disruption or destruction of fish habitat and/or the deposition of deleterious substances into fish bearing waters occurs as a result of an unapproved change in the plans for the proposed works or failure to implement the necessary mitigative measures specified above, prosecution under subsection 35(1) and/or subsection 36(3) of the *Fisheries Act* may be initiated.

***Please Note:** This Letter of Advice does not release the proponent of the responsibility for obtaining any permits or licences that may be required.

This Letter of Advice should be kept on site during any work in or around water and be understood by staff working at the site.

If you have any questions, please contact Bruce Hanna at (867) 669-4931 or myself at (867) 777-7520.



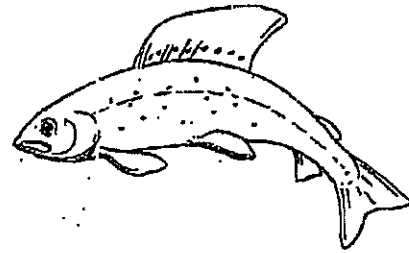
Pete Cotti
Area Habitat Biologist
Fish Habitat Management
Department of Fisheries and Oceans - Western Arctic Area

Copy: Bruce Hanna, Habitat Biologist - DFO; Larry Dow, Fishery Officer Field Supervisor - DFO; Dan Quevillon - INAC, Fort Simpson; Shannon Pagotto - INAC, Water Resources; Mike Fournier - Environment Canada; John Korec/ Mieke Vander Valk - NEB; Al Gibson - RWED, GNWT; Greg Smith - MVLWB



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Western Arctic Area
Fish Habitat Management
Box 1871, Inuvik, Northwest Territories, X0E 0T0

December 22, 2003

TO/A:

Bruce Hanna - DFO

Larry Dow - DFO

Dan Quevillon - INAC, Fort Simpson

Shannon Pagotto - INAC, Water

Resources

Mike Fournier - Environment Canada

John Korec/ Mieke Vander Valk - NEB

Al Gibson - RWED, GNWT

Greg Smith - MVLWB

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Mackenzie Valley Land
& Water Board

File

DEC 24 2003

Application # MV2003L8-0012
MV2003X0045

Copied To PCM/GS/RL6

DFO File No. SC03090

page 1 of 7

MESSAGE

**RE: Land Use Permit/ Water Licence Applications MV2003X0045/
MV2003L8-0012, Imperial Oil Resources Ventures Ltd. Field Geotechnical
Investigation Program Winter 2004, DehCho Region, NWT - DFO Comment
and Letter of Advice**

FROM/DE:

Pete Cott
Area Habitat Biologist
Western Arctic Area

telephone (867) 777-7520
facsimile (867) 777-7501
cottp@dfo-mpo.gc.ca

Canada

Hello Greg,

In response to your request for comments with respect to the above-mentioned Land Use Permit Application, the Department of Transportation (DOT) has the following comment:

- It is requested that the applicant be required to obtain a temporary Access Permit from DOT to access the Mackenzie Valley and Trout Lake Winter Roads as a condition of any Land Use Permit issued. It must be kept clear that Highway Access permits are user and use specific. Access Permits are required even if there is an existing access road, as the access may not be an approved access. The application will be faxed to you shortly.

If you have any questions about these comments, please contact me at (867) 873-7103.

Sincerely,

Angela

Angela Plautz
Environmental Analyst, Environmental Affairs
Department of Transportation
Phone: (867) 873-7103
Fax: (867) 920-4565



Environment Canada
Environnement Canada

Environmental Protection Branch
5204 - 50th Avenue
Suite 301
Yellowknife, NT X1A 1E1

Mackenzie Valley Land
& Water Board

File

DEC 19 2003

Application #

Copied To

MV2003L8-0012
MV2003X0045
PLM/SR/GS/Reg

our file: 4337 052 002

19 December, 2003

Mackenzie Valley Land & Water Board
4910 50th Avenue
P.O. Box 2130
Yellowknife, NT X1A 2P6

Fax: (867) 873-6610

Attention: Darren Campbell

Re: MV2003X0045 Land Use Permit Application - MV2003L8-0012 Water Licence Application - Geotechnical Investigation Program - Imperial Oil Resources Ventures Limited - Deh Cho Region.

Environment Canada's contribution to your request for specialist advice is based primarily on the mandated responsibilities for the enforcement of Section 36(3) of the *Fisheries Act*, the *Canadian Environmental Protection Act* (CEPA), *Species at Risk Act* (SARA) and the *Migratory Birds Convention Act* (MBCA).

Imperial Oil Resources Ventures Limited proposed activities for the 2004 winter season in the Deh Cho Region will consist of work on sixty-nine sites including forty-six potential granular resources sites, eight water crossing sites, ten frost heave sites and five rig camp sites. The rig camp will accommodate sixty-five people. The proponent will construct temporary snow roads which will provide primary and secondary access to the sites.

Environment Canada supports the mitigation measures proposed by Imperial Oil Resources Ventures Ltd., and would like to add the following comments and recommendations.

Comments and Recommendations

- The proponent shall ensure that any chemicals, fuel or wastes associated with the proposed projects do not enter waters frequented by fish. It is a requirement of Section 36(3) of the *Fisheries Act* that all effluent discharged into water frequented by fish, be non-deleterious.
- Sump integrity and stability must be ensured, and it is recommended that following closure of these sumps, monitoring of the site be conducted for several years to watch for such conditions as subsidence, erosion, or any frost boils or other conditions, which may involve migration of contaminants out of the sumps.
- Operational practices for the handling of fuels and hazardous fluids should be available to personnel on site and include:
 - * an approved spill contingency plan outlining a clear path of response
 - * contact list of persons to be contacted in the event of a spill and assigned responsibilities of company staff
 - * location of equipment, both on and off site to be used in the event of a spill
 - * state that "all spills" are to be documented and reported to the NWT/Nunavut - 24 Hour Spill Line Number (867) 920-8130
 - * an appropriate spill kit with absorbent material should be located at all fuel transfer and fuel storage sites
 - * drip pans should be used when refuelling equipment.
- No disturbance of the stream bed or banks of any definable watercourse is permitted; clearing adjacent to streams/lakes should be done without disturbing the organic layer. Suitable erosion control measures shall be implemented at all stream/lake crossings.
- Bulldozers used in the construction of winter routes should be fitted with "mushroom shoes". These limit scalping and

gouging of the ground surface, minimizing the potential for permafrost degradation and soil erosion during the summer.

- Winter stream crossings shall be constructed entirely of ice and/or snow materials, and stream crossings shall be removed or notched prior to spring break-up.
- All fuel containers in excess of 4,000 litres in capacity shall either be of double-walled self bermed construction, or dyked with adequate storage capacity and an impermeable liner to ensure that no fuel escapes.
- If artesian flow is encountered, drill holes shall be plugged and permanently sealed immediately.
- Environment Canada recommends the use of an approved incinerator.

The Canadian Wildlife Service has reviewed the land use and water license applications and provides the following comments pursuant to the *Migratory Birds Convention Act and Regulations*, as well as the *Species at Risk Act*.

- Species at risk that may be encountered in this area include Woodland Caribou, Wood Bison, and Peregrine Falcon anatum subspecies, all listed as Threatened under schedule 1 of the *Species at Risk Act*. The proponent should be aware of their special status and minimize disturbance or contact with these species during operations.

EPB should be notified of changes in the proposed or permitted activities associated with this land use application.

Please do not hesitate to contact me at (867) 669-4744 or ron.bujold@ec.gc.ca with any questions or comments.

Yours truly,



Ron Bujold
Environmental Assessment Technician

cc: Steve Harbicht (Head, Assessment & Monitoring, EPB)
Mike Fournier (Northern Environmental Assessment Coordinator, A&M, EPB)
Vanessa Charlow (Environmental Assessment Coordinator, CWS)



Indian and Northern
Affairs Canada
www.inac.gc.ca

Affaires indiennes
et du Nord Canada
www.aic.gc.ca

#16 Yellowknife Airport
Yellowknife, N.W.T.
X1A 3T2

Telephone: (867) 669-2761
Facsimile: (867) 669-2720

December 22, 2003

Your file - Votre référence

Our file - Notre référence

Mackenzie Valley Land and Water Board
7th Floor, 4910-50th Avenue
YELLOWKNIFE, NT X1A 2P6

Mackenzie Valley Land
& Water Board

MV2003X0045

File

DEC 22 2003

Application #

Copied To

ATTENTION: Greg Smith

Dear Greg,

Re: LUP Application MV2003X0045 - Imperial Oil Resources Ventures Ltd.
Winter Geotechnical Program
Deh Cho Region

On behalf of DIAND, the above mentioned land use permit application for Imperial Oil Resources Ventures Ltd. has been reviewed. Attached for consideration are our Inspectors recommended conditions and narrative for this operation.

Also attached for consideration are comments received from Land Administration and Wayne Starling, our Water Resource Officer.

Should you have any questions, please contact Charlene Coe at 669-2762.

Yours truly,

Ron Breadmore
Acting District Manager
South Mackenzie District

COE/

Canada

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Memorandum

Michelle Elford
Assistant Land Administrator
South Mackenzie District
Yellowknife, N.W.T

Shane Hayes
Resource Management Officer
Fort Simpson Sub-District
Fort Simpson, N.W.T.

December 1, 2003

Land Use Permit Application MV2003X0045
Imperial Oil Resource Ventures Ltd. - Geotechnical Investigation Program
Deh Cho Region

The following Land Use Operating conditions are recommended for the above mentioned operation:

26(1)(a) Location And Area

1. Plans
2. Private Property
4. Camp Location
7. Parallel Roads

26(1)(b) Time

12. Contact Inspector in Fort Simpson (867) 695-2626
13. Reports Before Removal - 10 days
16. Backfilling Notification
22. Remove Ice Bridge
21. Spring Break-Up (March 31)
23. Remove Snow Fills
24. Sumps/Spring Break-Up (March 31)
25. Closure

26(1)(c) Type And Size Of Equipment

- 26. Only Approved Equipment
- 32. Garbage

26(1)(d) Methods And Techniques

- 35. Dogleg Approaches
- 36. Plug Holes
- 37. Refill Craters
- 39. Test Pits
- 41. Minimize Area Cleared
- 42. Storage on Ice
- 45. Removal and Sealing of Drill Casings

26(1)(e) Type, Location, Capacity And Operation Of All Facilities

- 46. Sumps From Water
- 47. Freeboard of Sumps
- 48. Backfill Sump
- 50. Clean Work Area

26(1)(f) Control Or Prevention Of Ponding Of Water....Etc.

- 51. Plug Artesian Wells (a&b)
- 55. Natural Drainage
- 56. Stream Banks
- 57. Ice Bridge Materials
- 58. Ice Bridge
- 63. Dykes/Diversion
- 64. Progressive Erosion Control
- 68. Vehicle Movement Freeze-Up

26(1)(g) Use, Storage, Handling And Ultimate Disposal....Etc.

- 72. Drill Waste Disposal
- 74. Drill Waste Disposal
- 75. Drill Waste Containment
- 77. Waste Petroleum Disposal
- 80. Report Chemical and Petroleum Spills (All spills are reportable if > 25 liters)

26(1)(i) Storage, Handling And Disposal Of Refuse Or Sewage

- 94. Sewage Disposal
- 96. Remove Garbage
- 97. Incineration

26(1)(m) Fuel Storage

- 112. Report Fuel Location
- 113. Fuel By Stream (30 metres)
- 115. Fuel Containment
- 117. Fuel Containment
- 118. Dyke Fuel Containers
- 119. Capacity
- 122. Double Walled Tanks
- 131. Spill Response

26(1)(n) Methods And Techniques For Debris And Brush Disposal

- 132. Brush Disposal
- 135. Brush Disposal
- 136. Windrow Location

26(1)(o) Restoration Of Lands

- 155. Re-establish Vegetation
- 156. Clean Up

26(1)(p) Display Of Permits And Permit Numbers

- 160. Display Permit
- 161. Copy of Permit

26(1)(q) Matters Not Inconsistent With The Regulations

- 162. Notification To All Employees/Contractors

Narrative

48 hour notice will be required upon commencement and cessation of seasonal activity. Drip trays (appropriate fuel containment) will be required for all fuel transfer activities. Spill Kits will be required to be at each location where fuel is being stored.

Should you have any questions or concerns relating to this matter, please do not hesitate in contacting this office at (867)695-2626.


Shane Hayes
Resource Management Officer

From: Maureen Beauchamp
To: Charlene Coe
Date: 12/16/03 2:41PM
Subject: MV2003X0045 - Imperial Oil Resources Ventures Ltd.

The subject application for geotechnical investigation program - Deh Cho Region has been reviewed.

This location is within the Deh Cho and Horn Plateau withdrawal areas, withdrawn from both surface and subsurface applications. The withdrawal does not prohibit new land use permits or quarrying.

The Willow Lake River Camp site is located within the Horn Plateau withdrawal area and as long as there are no permanent structure built which will require a lease in the future, we do not have any concerns. If there will be any future requirement for permanent structures, they should be advised to relocate the camp outside of the withdrawal area.

There is also titled property that may intersect with the proposed route, I was unable to determine exact boundaries as the maps were at a scale and only approximate co-ordinates on the survey plan

Burrow Pit 11.204 PB and 11.204 PA may be in the vicinity of privately owned lot.

Lot 4, Group 861, Plan 885 and unsurveyed parcel adjacent to the titled lot. (micro wave tower).

Otherwise there does not appear to be any concerns or conflicts at the applied for location in relation to existing surface dispositions.

From: Wayne Starling
To: Coe, Charlene
Date: 12/17/03 11:30AM
Subject: Imperial Oil Venture Ltd. Appl 0045 & 0012

Hi Char:

I have reviewed the Land Use Permit and Water Licence Applications submitted by Imperial Oil Ventures Ltd. for their proposed Geotechnical Investigation Program in the Deh Cho Region. The applications and supporting documents appeared to be thorough covering all aspects of the operation, and my comments are quite general in nature. I have prepared them in memo form so will attach them to this email. If you have any questions please advise. Thanks.

Best Regards,

Wayne

CC: Quevillon, Dan

Charlene Coe
Land Use Administrator
South Mackenzie District

MV2003L8-0012

Wayne Starling
Water Resource Officer
Fort Smith Sub-District

December 16, 2003

Imperial Oil Ventures Ltd - Geotech Investigation Deh Cho
LUP Appl. MV2003X0045 / WL Appl. MV2003L8-0012 - Comments

I have reviewed the application from Imperial Oil Ventures Ltd. for their proposed Geotechnical Investigation Program along a possible pipeline route in the Deh Cho Region. Both Land Use and Water Licence applications, along with the supporting documentation were very descriptive, informative, and well prepared. The Environmental Protection Plan contains many conditions which are suitable to be placed directly into a permit or licence, so it appears the company is taking a responsible approach to the operational requirements of the project. The following are a few specific items which I would recommend be included in the appropriate permit conditions.

1. Temporary Water Crossings
As described in the application all water crossings should be constructed using clean snow and ice, and notched prior to spring runoff so as not to impede flow. Standard conditions should be applied to protect stream crossings from significant bed & bank disturbance.
2. Camp Sewage & Grey Water
The handling of camp wastes is covered well in the application. The conditions should confirm sewage and grey water wastes shall be contained in sumps and disposed of in the manner described in the Environmental Protection Plan and Section 5 of Attachment 1 submitted with the application.
3. Drilling
There is significantly more potential for contamination when drilling through the ice into the bed of a stream as opposed to a land based operation. Conditions should confirm that all cuttings and drilling mud shall be recovered and contained by using a collar between the ice surface and bed during in stream drilling. On land, all cuttings should be contained and prevented from entering the stream, and may be

used for backfilling the holes once completed. All drilling shall be performed as described in the application and Environmental Protection Plan.

4. Fuel Handling

Care must be exercised during transportation and re-fuelling activities. This topic has been well addressed in the documentation supporting the application, and if these procedures are followed there should be few concerns. Fuel should be stored in double walled tanks at least 100 metres from a water body, and re-fuelling should take place at least 100 metres from a water body when possible.

5. Water Source Lakes

The application identifies approximately 15 small lakes as potential water sources for access road construction. Section 5.2.3 of Attachment 1 states that the Summer 2003 Reconnaissance Program showed these lakes to be of sufficient depth and volume to be used, but I did not see any supporting data to verify this statement. Conditions should be included which will limit the volume removed from any source so as to protect fish and aquatic organisms.

Following the conditions outlined in the Environmental Protection Plan, and the inclusion of standard LUP and WL conditions normally assigned to an operation of this type will mitigate any additional concerns I would have.

Thanks Char, and if there are any questions or concerns about these comments please advise.

Sincerely,

Wayne B. Starling



Northwest
Territories Municipal and Community Affairs

Greg Smith,
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife NT X1A 2P6

December 22, 2003

Mackenzie Valley Land
& Water Board

File

DEC 22 2003

Application # MV2003L8-0012

Copied To PUTISB/IGS/SM/Reg

Dear Greg:

**Comments on Land Use Permit and Water Licence Application
Imperial Oil Resource Ventures Ltd., MV2003X0045 and MV2003L8-0012
Geotechnical Investigation Program – Deh Cho Region**

Municipal and Community Affairs has no comments at this time.

You may contact me at 920 - 8725.

Yours sincerely,

Ron Tecsny, Planner
Lands Administration

FEED FAX THIS END

FAX	
To:	<u>Greg Smith</u>
Dept:	<u>Reg Officer MV LWB.</u>
Fax No.:	<u>873-6610</u>
No. of Pages:	<u>1</u>
From:	<u>Ron Tecsny</u>
Date:	<u>Dec 22, 2003</u>
Company:	<u>MACA</u>
Fax No.:	<u>920-6343</u>
Comments:	<u>Original to Follow</u>
<u>A/ for Mark Dery</u>	
PostNet	fax pad 7003E



FORT SIMPSON METIS NATION

LOCAL 52

Box 408
FORT SIMPSON, NT
X0E 0N0

TEL: (867) 695-2431 FAX: (867) 895-2040
E-MAIL: FBMETDEV@CANCOM.NET

December 19, 2003

Mackenzie Valley Land
& Water Board

File

Mackenzie Valley Land & Water Board
7th Floor, 4910 - 50th Avenue
Box 2130
Yellowknife, NT
X1A 2P6

DEC 22 2003

Application # MV2003L8-0012
MV2003X0045
Copied To PUH/GS/SB/SM/Reg

RE: MV2003x0045 AND MV2003L8-0012
Land Use Permit Application and Water Licence Applications
2004 Winter Field Geotechnical Investigation Program
Deh Cho Region

The Fort Simpson Metis Nation, Local #52 has determined that we require additional time to review the above.

If you have any questions or concerns, please contact the undersigned at (867) 695-2431.

Sincerely,

Nola Benwell

c. Deh Cho Pipeline Working Group



Liidlii Kue First Nation

December 19, 2003

Your File: MV2003X0045 and MV2003I 8-0012

Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT X1A 2P6

Attention: Mr. Greg Smith, Regulatory Officer

Dear Mr. Smith

Re: Land Use Permit Application for Imperial Oil Resource Ventures Ltd. (IORVL), MV2003X0045
Land Use Water Licence Application for IORVL, MV2003L8-0012
Geotechnical Investigation Program – Deh Cho Region

Mackenzie Valley Land
& Water Board

File

DEC 22 2003

Application # MV2003X0045

Copied To DH/GS/Reg
SB/SM

Please accept the following as our response to the two MVLWB letters dated November 19, 2003, inviting comments to be used in the Preliminary Screening process by the Board.

In keeping with the MVRMA "the Act", you have requested a response within the standard 42 day timeline. This office has not been able to complete a meaningful review of the submitted binders titled "Type A Land Use Permit Application" and "Type B Water Licence Application", which had been submitted by IORVL to the MVLWB. I am sure you can appreciate the need for an LKFN detailed review that must be conducted of such technical documents of this magnitude.

To that end, LKFN requests an extension to the deadline of Monday, December 22, 2003. Compounding the timeline for the necessary technical review, will be the holiday season office closure from December 22nd until January 5, 2004. LKFN would then now request an extension until Monday, January 19, 2004.

As part of the LKFN internal review, but not limited too, are impacts or conflicts with traditional land users. Ensuring all current available technologies and practices are being employed to protect the environment, mitigating impacts to the lands and resources. Will the socio-economic plan meet the community needs? Are real measures in place to employ local community members; inclusive of training commitments? How will communication links be established and maintained during the project?

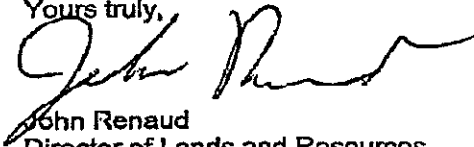
Just a sample of the points that need further LKFN internal review before providing a response to the MVLWB.

P.O. Box 469
Fort Simpson, NT X0E 0N0
Phone: (867) 695-3131 Fax: (867) 695-2665
E-mail: lkfndir@cancom.net Website: www.cancom.net/~lkfndir

Page 2...

Thank you for the attention in dealing with this matter.

Yours truly,



John Renaud
Director of Lands and Resources
(867) 695-3131
mwwb-letters/MV2003F0028-03

E-mail: deneres@cancom.net

c.c. Chief Keyna Norwegian
Council members
Rosemary Gill, Executive Director
DRC members



Band No. 756

DATE: Feb. 5, 2004
PLEASE DELIVER TO: Bob Wooley
ORGANIZATION: MVLWB
FAX NUMBER: 873-6610
PHONE NUMBER:
NUMBER OF PAGES INCLUDING COVER: 5

PEHDZEH KI FIRST NATION'S LANDS/RESOURCE DEPARTMENT

fax from
Sharon Pellissey
Lands/Resource Officer
Pehdzeh Ki First Nation
TEL: (867) 581-3321
FAX: (867) 581-3229
GENERAL DELIVERY
WRIGLEY, NT
CANADA X0E 1E0
andsharon@shehtah.ca

Bob, attached letter
for your info.
Imperial Oil's Proposed
2004 Winter Hotech.
Work in the Deh Cho
MV2003X0045
MV2003L8-0012

Thanks, Sharon

Mackenzie Valley Land
& Water Board

File

FEB - 5 2004

mv2003L8-0012
Application # mv2003X0045
Copied To PHUGS/Reg



Indian and Northern
Affairs Canada
www.inac.gc.ca

Affaires indiennes
et du Nord Canada
www.aic.gc.ca

Your file - Votre référence
MV2003L8-0012/MV2003X0045

Our file - Notre référence
900-MVLWB-IORVL-Geotechnical
Study-Deh Cho

December 19, 2003

Mr. Greg Smith
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor - 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

**Mackenzie Valley Land
& Water Board**

File MV2003L8-0012

DEC 24 2003

Application # MV2003X0045

Copied To SB/AP/SM/PLM/Reg

Dear Mr. Smith,

RE: Type B Water Licence Application and Type A Land Use Permit Application
Imperial Oil Resource Ventures Ltd (IORVL)
Field Geotechnical Investigation Program in the Deh Cho Region

The Water Resources Division of the Department of Indian Affairs and Northern Development has reviewed the aforementioned documents and offer the following comments:

- IORVL is requesting to use approximately 31,000 m³ of water for their geotechnical investigation program in the Deh Cho Region, of which 29,000 m³ is a contingency for ice road construction. Since the length of the program is from December 2003 until April 2004, this would be approximately 270 m³ of water usage per day. IORVL has identified 15 lakes as potential water sources for this program.
 - How much water is IORVL anticipating to withdraw from each proposed water source?
 - How was the area of each lake calculated?
 - Has any bathymetry work been performed on these proposed water sources, especially depth measurements?
 - Has IORVL made any estimates of the volume of the lakes? DFO protocols only allow 5% of the volume of a lake to be withdrawn.
 - Are there any other users of the proposed water sources in the area (other developments, GNWT DoT)? It should be recognized that DFO water withdrawal protocols allow for a maximum of 5% of the free available water to be used if the water body meets certain criteria. The 5% maximum does not increase if more than one project is using the same water source.
 - Which lakes are for use as a contingency for ice road construction?

Canada

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- How can IORVL assure the MVLWB that the DFO protocols for water withdrawal and temporary winter road access for oil and gas activities will be adhered to when this basic information has not been provided to assess the requested water sources?
- Every effort should be made to ensure that no disturbance takes place to stream banks and that riparian vegetation is retained where stream crossings take place. As IORVL has committed to in the project description, all stream crossings should be constructed using clean ice and snow and be removed prior to spring break-up.
- IORVL states that project personnel will be accommodated in five rig camps, each camp capable of housing a maximum of 65 people. Wastewater from these camps will be disposed of in a sump located adjacent to each of the rig camps. Will there be any sort of pre-treatment to the wastewater prior to entering the sumps? Modern wastewater treatment systems exist that are capable of treating sewage and producing effluent that is acceptable for discharge to the environment.
- Sewage sumps must be initially constructed of sufficient volume to ensure that the needs of the camp can be met. Proper planning will ensure the least amount of disturbance to the environment, and avoid the need to construct an additional sump.
- IORVL states that non hazardous waste (garbage) will be incinerated and disposed of in the camp sump. What is IORVL planning on incinerating? Only paper products and food waste? Or other materials, such as plastics or cleaners? If IORVL is committed to segregating their wastes to ensure that only paper and food wastes are incinerated, it is acceptable to dispose the ash in their sewage sump. If the waste is not segregated, the ash should be disposed of in an approved waste disposal facility.
- IORVL states in their Environmental Protection Plan that drilling fluids required for the investigation of subsurface conditions will be transported to high ground at least 100 metres from a watercourse and disposed of in a sump. IORVL should ensure that sumps are constructed in impermeable materials (i.e. clays) to prevent the migration of waste and backfilled in a manner to prevent ponding of water and subsidence.
- In the Emergency Response Plan, Indian and Northern Affairs Canada is not listed as a NWT Regulatory Agency under the Spill Contingency Plan. However, for spills in the Deh Cho Region, this agency may be the lead for spills associated with this project. INAC would be required to investigate should a serious spill occur, and for all spills INAC could provide technical advice to the proponent and identify areas of risk that might be affected by a spill. The following contacts should be added to the NWT Regulatory Agencies list:
 - INAC South Mackenzie District (867-669-2761)
 - INAC Fort Simpson Sub-District (867-695-2627)

- In the Emergency Response Plan, IORVL states that any fuel or hydraulic spill which is greater than 0.100 m³ (100 liters) in size must be reported. This is incorrect. Reporting requirements vary and are dependent upon the lead agency for the spill. All spills of fuel and hydraulic oil are immediately reportable to the NWT/Nunavut 24 hour spill line (867) 920-8130 unless the proponent falls under a spill reporting protocol specific to a lead agency/agencies. If this is the case, then the proponent may report spills as per that specific protocol. All spills, regardless of size, in or with the potential to enter surface water, must be reported immediately to the NWT 24 hour spill line.
- In the Emergency Response Plan, IORVL states that heavily contaminated soil and vegetation, and/or contaminated materials will be incinerated, if safe to do so, or disposed of at an approved waste facility. What is the criteria for the incineration of contaminated materials?
- IORVL must ensure that any drilling performed using hollow stem augers to investigate below stream channels does not result in the release of sediments, drill cuttings or fluids into the receiving water body.
- IORVL will be using thermistors to monitor ground temperatures. This data will be invaluable in the future assessment and construction of the proposed Mackenzie Gas Project. At what depths and at what frequency will ground temperature measurements be taken? To obtain a comparable data set, ground temperature data should be obtained in the same manner at each site.

I thank you for the opportunity to review this project. If you have any questions or comments, feel free to contact Mr. Robert Jenkins at (867) 669-2574 or myself at (867) 669-2650.

Sincerely,



for

David Milburn
Manager, Water Resources Division
Department of Indian Affairs and Northern Development

Legend

- Proposed MGP Right of Way
- Proposed MGP Right of Way
- ▭ K'enease Watershed

Sensitive Watershed Area:

Recommended area to relocate proposed Waikanae Gas Pipeline to eastward edge of DCTN approved pipeline corridor.

Restricted area for facility and granular site development - no camps, storage areas, gravel pits, etc.

Note:
The K'enease Watershed Boundary and Proposed MGP Right of Way illustrate approximate locations only.

Map # SK1K203-01

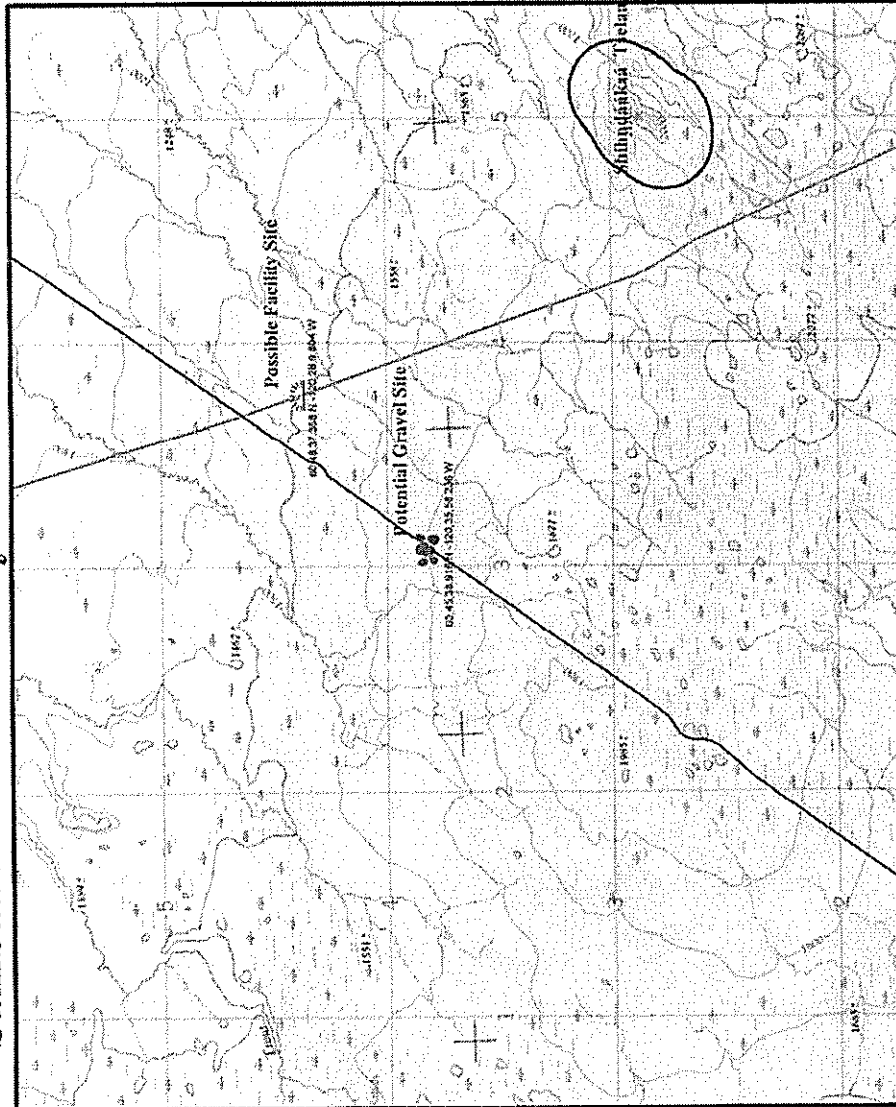
Prepared by Conservation Environmental Services Ltd. Hwy 90, Northmen Terrance
Published by Saskatchewan Forestry Centre, 1000-10th Avenue
Copyright © Saskatchewan Forestry Centre 2001

Amey, B. C.

10. The following are the results of a survey of 1000 people in a city. The results are given in the table below. The first column shows the age group, the second column shows the number of people in each age group, and the third column shows the number of people in each age group who are employed.

Test 1 23 23

Sambaa K'e Preliminary Site Recommendations



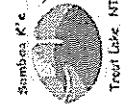
Legend	
	Potential Gravel Site
	Shihindakaa Tsetha
	Possible Facility Site
	2 km Buffer Zone
	Water Road
	Proposed MGP Right of Way

Shihindakaa Tsetha is a special cultural site - no drilling, granular site development, excavation, or other facility development within a 2 kilometer radius.

Potential Facility Site:
This site has been recommended by the community of Trout Lake for any facility development associated with the proposed Mackenzie Gas Pipeline or pre-engineering work associated with the project. Facility development may include temporary camps, fuel and pipe storage, and a heater station. Other facility sites should not be considered without explicit community approval.

Potential Gravel Site:
This site has been identified by the community as a potential site for granular development.

Note:
The Proposed MGP Right of Way, Water Road, Shihindakaa Tsetha with corresponding 2 kilometer buffer zone illustrate approximate locations only.



Crosscurrent Environmental Services Ltd.
Providing a wide range of life and environmental consulting services

Scale: 1:250,000
Map #: SKTK2003-02

Prepared by: Crosscurrent Environmental Services Ltd., Box 100, Southport, Ontario
Published by: Sambaa K'e Deer Band, Trout Lake, Northwest Territories
Copyright ©: Sambaa K'e Deer Band 2003



Imperial Oil Resources Ventures Limited

237 Fourth Avenue South West
P.O. Box 2480, Station "M"
Calgary, Alberta
Canada, T2P 3M9

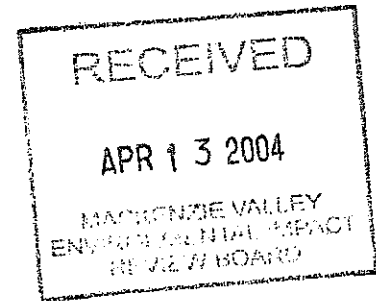
A.J. (Alan) Kennedy
Manager, Environmental Assessment
Mackenzie Gas Project

Tel. 403 237 3485
Fax. 403 237 2102

April 7, 2004

World Wildlife Fund Canada
245 Eglinton Avenue East, Suite 410
Toronto, Ontario M4P 3J1

Attention: Dr. Peter J. Ewins



Dear Dr. Ewins:

Before the Mackenzie Gas Project March 2004 EIS Workshop for Non-Government Organizations (NGO), you expressed concern through e-mail and phone messages regarding the late release of the proceedings of the December 2003 NGO workshop. We did respond to your messages at that time, and I do share your concern regarding the length of time between the workshop and the issuing of the proceedings.

The proceedings of the December 2004 EIS NGO Workshop were released on March 12, 2004 and in advance of the second Workshop held March 22nd through 24th 2004 in Yellowknife. At the second NGO Workshop, I apologized for the late release of the proceedings of the first workshop. At that time I invited all Workshop participants to ask any questions or provide any comments they may have concerning the proceedings of the first workshop. We provided a full team of technical experts to assist us in providing information on Workshop topics.

I have reviewed the factors that contributed to the length of time to publish the proceedings of the December 2003 NGO Workshop. An especially important one was the continuing consultation with northern communities on the Mackenzie Gas Project environmental assessment. In addition, time was spent by a number of authors and several reviewers ensuring the information in the proceedings properly reflected the concerns and positions. I believe we have taken steps to address the issues.

At the March 2004 NGO Workshop, Mackenzie Gas Project undertook to issue the proceedings of the March workshop within a month. We expect to meet that commitment.

The WWF were active participants in the March Workshop and provided the Mackenzie Gas Project with valuable information for our environmental impact assessment studies. We thank you for the input and will begin work to include the comments in our assessment.

Your truly,

Alan Kennedy
Manager, Environmental Assessment



DEH CHO FIRST NATIONS

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January 14, 2004

VIA TELECOPIER: (867) 873-6610

Mackenzie Valley Land and Water Board
7th Floor - 4910 50th Avenue
P.O. Box 2130
Yellowknife NT X1A 2P6

Attention: Bob Wooley, Executive Director

Dear Sirs/Mesdames:

Re: 2004 Proposed Winter Works Programs
for Mackenzie Valley Gas Pipeline
MV2003X0045 and MV2003L8-0012 ("Winter Works Applications")

Mackenzie Valley Land
& Water Board

File

JAN 14 2004

Application # MV2003L8-0012
MV2003X0045

Copied To PUMIGS Reg

Further to your letter of January 9, 2004, we wish to reply as follows.

In the very limited period of time provided and, given severe financial resources, we are able to provide only preliminary commentary. Our submission should not be deemed to be our final position on the Applications. Rather, our submissions provide without-prejudice commentary that may assist the Board in its decision.

Our general conclusion is that further study is required on numerous issues left unanswered by the Applicants' supporting materials. Without this further study, it is impossible to conclude that the Winter Works Applications will not pose significant impacts and risks to our communities. The following comments illustrate our concerns:

1. ACCESS TO ENBRIDGE ICE ROAD

Access to the Enbridge ice road is through the municipality of Fort Simpson. The Applicant has not carried out any analysis or conducted community discussions on alternate island access roads. Imperial has had no discussion with the municipality. What does Imperial intend to do to address this situation?

- 2 -

2. SOCIAL IMPACTS

There is very little, if any, analysis of social impacts with the anticipated increased activity. For example, the access through town would put extra wear and tear on recently completed paving on Main Street. How will the community be compensated for this damage?

Without further analysis, we can anticipate that noise and air quality could increase. What measures does the Applicant have in place to measure and mitigate these potential impacts?

Given the increase in numbers of workers from other areas, there is a potential risk for increase in social problems. Current social programming does not meet current needs let alone any added pressures. How will the Applicant ensure that this influx of workers will not increase social problems?

The Applicant has had no substantial discussions on capacity building with the community authorities, let alone mitigative measures on impacts. The short review period does not allow for informed decision-making.

It appears that the Applicant is not willing to look at mitigating the impacts of development, such as through capacity building or improving infrastructure.

3. SOURCES OF WATER

The Applicant appears to require large volumes of water for ice bridges and ice roads. The potential impacts of this activity are not fully explored. We support the Indian and Northern Affairs Canada (Water Resources Division) letter of December 19, 2003 seeking more information on this issue.

4. ARCHAEOLOGICAL SITES

The Applications do not appear to address how the risk of impact at these sites can be reduced. What specific pre-drilling/excavation steps will be taken? What training will be provided to workers so that they know how to recognize a heritage resource? Who will have the authority to stop work when a potential heritage site is discovered? How will community representatives be involved in the identification and protection of heritage sites? Will Imperial have community representatives on site for all groundbreaking activities?

While we have not had the opportunity to view the additional information referred to in his Dec. 19th letter, we agree with the NWT Territorial Archaeologist that this project has the potential for causing significant damage to heritage resources in the region. We are also generally supportive of the mitigative measures recommended by him. Will the Applicant adhere to his specific recommendations?

- 3 -

We would like to be provided with the additional information that was provided to the Territorial Archaeologist between Dec. 9th and Dec. 19th so that we can form our own opinions, and possibly recommend additional mitigative measures.

5. EMISSIONS

We concur with Environment Canada (letter of December 19, 2003) that the Applications do not include special provisions for sump integrity and stability and fuels and hazardous fluid management and training. What does the Applicant propose to do to address these issues?

6. FISHERIES

We agree with all of the recommendations and requests for further information made in the letter from the Department of Fisheries and Oceans dated December 22, 2003. This letter identifies many information and mitigation deficiencies. Failure to remedy all of these deficiencies could, in our view, have serious adverse effects on fish and fish habitat relied upon by our communities. The Applicant needs to describe how it will address these problems prior to being issued any authorizations.

7. WASTE DISPOSAL

A significant information deficiency pertains to how the Applicant will dispose of waste. We particularly agree with the Territorial Resources, Wildlife and Economic Development letter dated December 22, 2003 to the Board, which stated:

Permission is required from the community for the disposal of sewage at their sewage disposal facility. Municipal sewage disposal facilities were set up to meet the needs for the residents of the community. The facilities may not be large enough to handle additional sewage from industrial undertakings.

Permission is required from the community for the disposal of any waste at their solid waste site. Municipal solid waste facilities were set up to meet the needs for the residents of the community. The facilities may not be large enough to handle additional solid waste from industrial undertakings. [p. 1]

...

How will consumable items: spent oil, filters, batteries or broken equipment be disposed of? The Environmental

- 4 -

Protection Plan: page 6 – point 49 states that items will be removed from the area. Where to?

The proponent describes sending a lot of wastes like the drilling brine to an approved facility, where are those approved facilities?

Where will contaminated soils/material be disposed of?
There is no detail to the statement of “approved facility”.
As discussed in Emergency Response Plan; Page 4 –
Section 3.3. [p. 3]

We also support INAC (Water Resources Division) in their request for further information on waste disposal with their letter of December 19, 2003.

8. POTABLE WATER

We understand that potable water for winter work will be accessed from various water sources along the right-of-way. Unfortunately, the Applicant did not consider obtaining water from local municipalities – this would have generated revenue for the municipality.

These illustrative comments suffice to demonstrate that further study is required. We confirm our earlier advice to the Land and Water Board in the letter from our lawyers dated December 22, 2003 that such further study should be conducted, at least in part, by hearings in our local communities.

Mahsi Cho,



Chief Keyna Norwegian, PWG Spokesperson
Liidli Kue First Nation

cc: Grand Chief Herb Norwegian
Deh Cho First Nations

Chief Fred Norwegian
Jean Marie First Nation

Chief Lloyd Chicot
Ka'agee Tu First Nation

Chief Tim Lennie
Pehdzeh Ki First Nation

VILLAGE OF FORT SIMPSON

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January 20, 2004

Mackenzie Valley Land and Water Board
7th Floor, 4910 – 50th Avenue
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Yellowknife, NT
X1A 2P6

Mackenzie Valley Land
& Water Board

File MV8003X0045

JAN 28 2004

Application # MV2003L8-0012

Copied To PLM/GS/Reg

Attention: Greg Smith, Regulatory Officer.

Dear Mr. Smith:

Re: Imperial Oil Resource Ventures Ltd.
Winter Geotechnical Program, Deh Cho Region
Your File: MV2003X0045 & MV2003L8-0012.

At the regular meeting of Council held on January 19th, correspondence received in this office on January 9th regarding the above was presented and discussed.


Council requested that several issues be addressed with reference to the above. Although an extension to the above was received on January 16th, Council expressed concern that the several recent submissions have not allowed sufficient time to be reviewed. The Council also feels that the Village does not have the expertise on staff to review and provide comments.

Making reference to the disposal of certain materials, no contact has been made with the Village inquiring as to what materials are accepted or refused. Presently, the Village landfill does not have a designated area for used equipment/vehicle batteries, hazardous waste materials or used oil. Consultation with communities having landfill and disposal sites should be continuous.

Potable water usage to camps should be purchased from the nearest community that sells potable bulk water.

In the municipality of the Village of Fort Simpson, an alternate Island access should be considered and discussed with the Village as heavy traffic related to the proposed pipeline has increased within the boundaries. Such an access would benefit not only the community but the incoming pipeline traffic and the local pipeline related industries.

Sincerely;



Mayor Raymond Michaud

cc: Minister of RWED, Honourable Jim Antoine/MLA Nahendeh
Deh Cho First Nations
Liidlii Kue First Nation
Fort Simpson Metis Nation Local 52
Fort Simpson Chamber Of Commerce

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695-2665
695-2040
695-2052



SAMBAA K'E DENE BAND
Box 10, Trout Lake, NWT X0E 1Z0
TEL: (867) 206-2800 FAX: (867) 206-2828

January 2nd, 2003

Greg Smith
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Ave. P.O. Box 2130
Yellowknife, NT, X1A 2P6

**Mackenzie Valley Land
& Water Board**

File

JAN 15 2003

Application #

Copied To

FAX: 867-873-6610

Regarding: **Land Use Permit Application**
Imperial Oil Resource Ventures Ltd. MV2003X0045
Geotechnical Investigation Program Deh Cho Region

and

Water Licence Application
Imperial Oil Resource Ventures Ltd., MV2003L8-0012
Geotechnical Investigation Program – Deh Cho Region

Dear Mr. Smith,

Thank you for extending the deadline for responses to the land use applications listed above. The December 22nd deadline was unreasonable given that the application package was extensive and did not arrive in Trout Lake until late in the week of December 8th. Given this time limitation and the fact that all First Nations offices in the Deh Cho traditionally close over the Christmas holiday (this year, from December 22nd through January 2nd), the Sambaa K'e Dene Band hastily convened a public Council session on the evening of Wednesday, December 17th to review and discuss issues associated with this application. However, if it weren't for the fact that the Sambaa K'e Dene Band has been actively involved in a traditional knowledge (TK) study over the past six months regarding the Mackenzie Gas Project, and therefore had done preliminary research into the potential impacts of the project, it would have been impossible for the Band to respond effectively to this application within the time frame provided, even with the extension. Developers and Land and Water Board staff must give much greater consideration to the time and resource barriers facing First Nations as they struggle to respond to these types of applications.

Further to the land and water use applications, the Sambaa K'e Dene Band (SKDB) received a faxed letter from the Mackenzie Valley Environmental Impact Review Board on Friday, December 19th stating that "... the entire Mackenzie Gas Project, as described in the Preliminary Information Package..." has been referred to Environmental Assessment (EA). The letter goes

on to state that "... the Scope of Development also includes activities and developments related to pre-construction... [and] includes but is not limited to... creation of access roads, staging sites, camps, quarries...". These statements initially lead the SKDB to conclude that the Geotechnical Investigation would be included in the EA because it is a pre-construction activity and involves camps, access roads into potential quarry sites, and temporary staging sites for drilling and other equipment. However, when contacted on December 22nd, Martin Hasfele of the MVEIRB stated that the Geotechnical Investigation would not be affected by the EA referral. This apparent breaking down of the project into separate, discrete activities is confusing for the SKDB and its members. All these activities are MGP related and will have an impact on our land.

Notwithstanding these concerns, the Sambaa K'e Dene Band has chosen to respond on short notice to both the land and water use applications.

As mentioned above, the Sambaa K'e Dene Band, in good faith, entered into an agreement last spring with Imperial Oil Ventures Ltd. to carry out a traditional knowledge (TK) study on Sambaa K'e Got'ine lands potentially impacted by the Mackenzie Gas Project. The SKDB clearly stated that participation in the TK study did not imply support for the MGP, but rather an interest in ensuring that all preliminary research incorporated a traditional perspective. This study has gone well, all of the research and community consultations have occurred, and a final report is currently being drafted. During this study, four major community meetings were held between June and October 2003 to discuss environmental and cultural issues associated with the proposed MG project. All of these meetings included representatives from Imperial Oil, ColtKBR, and/or the Mackenzie Project Environmental Group (MPEG).

In all of these meetings, significant concerns were raised and discussed about:

- the impact of development on the K'etsee (Trainor Lake) watershed;
- the impact of development on Shihndáákaá Tselaá (a hill within the project area of significant cultural value);
- location of sites for camps and facility development;
- the lack of SKDB involvement in environmental monitoring associated with previous resource development projects, including the Enbridge pipeline, and
- lack of community benefits arising from previous construction of the Enbridge line.

Specifically, the community clearly stated that it:

- wants the proposed MGP pipeline moved eastward, away from K'etsee;
- does not want any camp, staging, or quarry developments within the K'etsee watershed;
- does not want any camps or other facilities situated immediately adjacent to the Sambaa K'e winter road;
- does not want any quarry development near Shihndáákaá Tselaá;
- wants to be actively involved in environmental monitoring associated with any new development activities within the Sambaa K'e Got'ine area; and
- wants clear guarantees of benefits in return for access to and use of the land, given the inevitable disruption to trapping, hunting, and other land use activities from any type of industrial activity.

These concerns, among others, are well founded, have been well documented, and will be addressed in the community's final TK report. In the interim, the SKDB made a few preliminary recommendations at the community TK meetings and subsequently sent letters regarding these recommendations to ColtKBR (July 2003) and to MPEG (October 2003). In the letters, the community identified and recommended alternative facility and quarry locations pending a

community ground-truthing session associated with the TK study. On December 16th, consistent with the information already provided, the SKDB provided MPEG representatives with updated maps of areas considered sensitive and alternate sites for potential development (see attached maps).

Given its clear recommendations for changes in project definition based on the TK study, the Sambaa K'e Dene Band was surprised to find that the land and water use applications it received in mid-December did not fully address these issues and that quarry sites and/or facilities were identified at the winter road crossing, Shihndáákaá Tselaá, and within the K'éotsee watershed. Furthermore, the land use applications did not adequately address the issues of community-based environmental monitoring or community benefits, which are of critical importance to the Sambaa K'e Dene Band.

On December 16th, in the midst of reviewing the geotechnical land and water use applications and hosting a final TK verification meeting, the SKDB received a formal response from Imperial Oil regarding its concerns. In a letter to the SKDB, Imperial Oil stated that it would:

- move the proposed pipeline right of way eastward in the K'éotsee watershed area;
- move its proposed camp and staging areas out of the K'éotsee watershed area to a more suitable location;
- work with the community to find alternative gravel sites to the ones proposed in the K'éotsee watershed; and
- drop the Shihndáákaá Tselaá gravel pit site from any development plans (see attached letter).

Although this commitment was seen as a positive step, the community was concerned that the letter was not cc'd to the MVLWB and therefore might not affect the current applications.

Given this uncertainty and the ongoing concern over environmental monitoring and community benefits, the Sambaa K'e Dene Band has the following recommendations regarding the land and water use applications before the MVLWB, all of which can be acted upon by the Board:

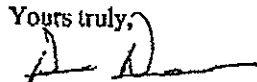
1. No land use permit should be issued until there is a clear understanding by all parties that:
 - a. Camp and other facilities will only be located at those sites identified and recommended by the Sambaa K'e Dene Band, based on site impact assessments carried out through the TK study.
 - b. No gravel sites or other facilities will be located within a 2 km radius of the base of Shihndáákaá Tselaá.
 - c. The proposed pipeline ROW will be moved eastward, further away from K'éotsee.
 - d. Imperial Oil will make serious efforts to locate alternate gravel sites outside of the K'éotsee area and the community must be involved in any final decisions to utilise gravel sites within the K'éotsee watershed. In the meantime, preliminary assessments may be carried out on the proposed K'éotsee sites as long as Condition 3 below is met.
2. Any water permit issued should restrict Imperial Oil or its agents from using water from K'éotsee, or from building any type of access road into the lake.
3. No land or water use permit should be issued unless Imperial Oil makes a clear commitment to contract the Sambaa K'e Dene Band or its agents to:

- a. Provide traditional environmental awareness training to all contractors and their personnel working in the Sambaa K'e area prior to the commencement of work; and
 - b. Provide environmental monitoring services within the Sambaa K'e area for the duration of the 2004 Geotechnical Investigation¹.
4. No land or water use permit should be issued unless Imperial Oil negotiates a reasonable impact / benefit agreement with the Sambaa K'e Dene Band that adequately addresses contracting, employment, training, and compensation matters.

It is unfortunate that the TK information is not immediately available to more fully substantiate these recommendations. However, the Sambaa K'e Dene Band knows these issues are founded on community knowledge and values, have been discussed with Imperial Oil or its agents, and are reasonable given the SKDB's Aboriginal title and interest in the land in which the proposed work would take place.

The Sambaa K'e Dene Band would therefore appreciate a response to this letter from the MVLWB at the earliest date possible. Mahsi.

Yours truly,



Chief Dennis Deneron

- cc.
- Martin Haifele, Environmental Assessment Officer, MVEIRB (Fax 766-7074)
 - Aurora Research Institute (Fax 867-777-4264)
 - Deh Cho First Nations (Fax 867-695-2038)
 - Mike McDonald, McDonald and Company (Fax 604-688-3035)
 - Peter Redvers, Crosscurrent Associates Ltd. (Fax 867-874-4505)

¹ Based on experience with previous development, the community does not trust contractors from outside of the community, with no vested interest in the land, to properly respect or act upon traditional environmental values – traditional environmental awareness training along with community monitoring would help address this issue.



Liidlii Kue First Nation

January 14, 2004

Your File: MV2003X0045 and MV2003L8-0012

Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT X1A 2P6

Attention: Mr. Greg Smith, Regulatory Officer

Dear Mr. Smith

Mackenzie Valley Land
& Water Board

File

JAN 14 2004

Application # MV2003X0045

Copied To PM/GS/Reg

Re: Land Use Permit Application for Imperial Oil Resource Ventures Ltd. (IORVL), MV2003X0045
Land Use Water Licence Application for IORVL, MV2003L8-0012
Geotechnical Investigation Program – Deh Cho Region

In relation to the above noted applications, LKFN had submitted a letter dated December 19, 2003, requesting an extension to the MVLWB deadline of Monday, December 22, 2003. LKFN had been made aware that the extension could not be granted, but comments would be accepted when they were available.

LKFN had continued to conduct a review of the binders titled "Type A Land Use Permit Application" and "Type B Water Licence Application", which had been submitted by IORVL to the MVLWB. This office is now in receipt of two MVLWB letters, both dated January 9, 2004. Mr. Wooley's letter encouraged LKFN to continue its' review, and your letter has informed that comments could be accepted until January 14th, due to the additional information received at the MVLWB. LKFN now offers the following comments for consideration by the Board, at the upcoming January 15th meeting.

The submitted binders appear to be sound documents and provide an overall plan for executing the project. The Socio-Economic section deserves more attention and detail than what currently exists. There are yet still other areas that also require further expansion and/or clarification. The various plans (e.g. Environmental Protection Plan) detail process's that are vague or inconclusive, and lack contingency scoping. It did seem during this review, that the various "Attachments" may have been prepared in isolation of each other. Examples of these missing linkages will be detailed below. As long as the highest order of protection that has been documented within the binders is the norm, then the project intent is sound.

LKFN would expect that IORVL would employ all the currently available technologies and best practices in relation to protecting the environment, and mitigating impacts to the lands and resources. The comments provided will be grouped under various themes to provide connectivity to the values LKFN wish protected. Reference will be noted where the issue is located in the binders, to ease follow up.

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LAND AND RESOURCE VALUES PROTECTION

A- Environmental Monitors

A great deal of this discussion will revolve around the employment of local harvesters as "Environmental Monitors". By hiring local LKFN harvesters who are familiar with the land, a higher level of protection of "local, cultural and historical" values would be realized. LKFN has been assured verbally that this is the intent of IORVL, but this is one of the areas within the binders that have linkage issues. The reference to utilizing "Environmental Monitors" (EM's) occurs in a number of areas. Some sections merely indicate the usage of EM's, with no job description per say. Some sections indicate clearly for a specific task, such as "scout for bear dens...". Within "Attachment 4" the possible use of "Monitors" for heritage resource protection is vague as to who will be the monitors, and will it really be considered.

Yet the strongest reference within the binders lies in "Attachment 2, the "Environmental Compliance Plan", sections 20 & 21. Here the importance of utilizing local EM's is best represented, with the very specific values that are being mitigated, as captured in section 21. LKFN would request that this area be further strengthened by expanding section 20 to state something to the effect, "that no ground disturbance activity of any form is to occur until an EM has attended the site, had the chance to make a ground inspection to mitigate impacts to LKFN". In other words, ensure enough EM's have been hired to meet the resource protection required.

If this is the higher order intent by IORVL in the employment and usage of EM's, then the linkages within the binder should be strengthened. Specifically in "Attachment 1, section 5.5, P. 23, & section 7.0, P. 25", "Attachment 2, section 2.1 [4 & 5], P. 2, & section 2.8 [83, 84 & 85], P. 9, & section 2.11 [106] P. 12". Attachment 4, being 'The Heritage Resource Protection Plan', section 1, P. 1.1, & section 3.6, P. 3-2, also need linkage to "Attachment 2, Environmental Compliance Plan, sections 20 & 21".

LKFN would also recommend the usage of these same EM's when the "2004 post construction..." assessment is conducted as per section 106 in the EPP.

B- Edehzhle Candidate Protected Area

LKFN recognizes the pipeline corridor will have to come through the interim protected area, but does not understand the other two infringements. Namely the identified borrow investigation site #20.015P, and the proposed campsite. LKFN request IORVL justification for the borrow investigation and that the proposed campsite be moved outside the interim protected area.

C- Heritage Resource Plan

LKFN strongly values the importance of protecting and preserving its archeological artifacts on the land. The proposed plan seems to have been more of a paper exercise than an effective mitigation tool. The use of the word "Assumption" in the 2nd paragraph of the opening Introduction support's LKFN lack of confidence in the plan. The proposed "Pre-Program Reconnaissance", specifically by air, seems unlikely to be of benefit with the current snow cover. LKFN would then again draw attention to better usage and linkage to the employment of EM's, as noted above in Section "A", to obtain the desired LKFN protection of heritage resources.

LKFN would also request a copy of the "Interim Report" referenced in Attachment 1, section 4.0, P. 14.

D- Clearing and Access

Reference is made to "cutting" timber with a "bulldozer..." and "salvage...decked along the access at existing open areas". The technique proposed for "cutting" the timber is going to damage and prevent full utilization of the resource. It has also been proposed to leave the deck sites on winter frozen ground access rather than on the all weather access roads. Recognizing that the total new cut area is approximately 13.5 Ha, representing about 6 % of the overall project land disturbance, the issue is one for consideration. Would it not be more prudent to actually develop salvage plans that have timber specifications and appropriate decking sites. If the timber is handled to reduce damage and wastage, put into an approved all weather access sites, other small scale local milling operations could be entertained. There could be a variety of spin-offs that would benefit LKFN membership, employment, capacity building, milled boards for construction usage, etc.

E- Noxious Weed Control

No where in the application submission is the prevention of noxious weed contamination discussed? LKFN requires a stipulation in the equipment contracts that prior to bringing equipment from other areas, a thorough washing be carried out to prevent the transfer of noxious weed and non-native plant species.

COMMUNICATIONS

LKFN requires further commitments within the various plans for communications. Specifically LKFN requests receipt of the daily report on construction and environmental activities and/or non-compliance incidents as noted in "Attachment 1, EPP, section 5.6, P. 23", and again in "Attachment 2, the ECP, section 3.0, P. 13".

LKFN also requests an invitation to the "kick-off" meeting as noted in "Attachment 2, section 2.1 [8], P. 2".

There are also a number of contact procedures noted within the "Emergency Response Plan" under Attachment 3 that should include LKFN. Spill notification is especially important, followed by the inclusion of the LKFN Environmental Monitor in the action plan, including cleanup activities.

SOCIO-ECONOMIC IMPACTS

There is only one page paid to this topic, located under "Attachment 1, section 6.0, P. 24". The focus of the discussion is on the up-side of the project, in relation to employment opportunities and local spending. It is unfortunate the application does not tackle the potential downside, with the corresponding mitigative measures.

There is reference to one specific concern, that being the disruption of "resource harvesters" and the possible "reduced trapping revenues". There is no offer of trapper compensation as a mitigative measure. Within "Attachment 1, section 3.3, P. 13" it has been noted that the "average annual income per trapper averaged \$647.00 in 2001". This value of course, doesn't consider overhead, but even so. If this is an order of magnitude number to begin compensation discussions from, LKFN would propose a "without prejudice" discussion among the parties. The goal would be to derive some workable solution if an LKFN harvester was interrupted or if the fur bearing mammals were disrupted due to the noise and activity.

AREA DISCREPENCIES

LKFN has noted in the application review a possible area discrepancy for borehole sites and the test pit locations. Under "Attachment 1, section 5.4, P. 22" and "Attachment 4, section 2, P. 2.1" the borehole area to not exceed 6 m X 10 m and the test pit to not exceed 6 m X 15 m. This in contrast to "Attachment 2, section 76-79, P. 9" and "Tab B, section 'Site Activity Plan'" where the borehole area are to not exceed 10 m X 10 m and the test pit to not exceed 25 m X 25 m. Please provide clarification to LKFN on which proposed clearing limits will be utilized when in the field.

It should be noted that determining the area (Ha) relationship of new cut to existing re-use of lands, was not found until a review of some 90 pages in the application binder. Surely this information could have been placed closer to the front of the binder, or had references made to "Tab B". The individual site tab descriptions, numbered 1 through 69, could also have benefited from including the site specific breakdowns of new cut to existing re-use of lands. These linkages could then be made to the LKFN suggested "salvage plan".

LKFN requests to be provided with the final footprint on the land, as represented by the "as-built maps" referenced in "Attachment 1, section 5.3.1, P. 20". IORVL as the applicant, is creating the disturbance, therefore IORVL should be responsible to provide directly to LKFN a final plan. LKFN would request that in supplement to a paper copy, that we receive a digital copy, in a GIS compatible shape file format as well.

CONCLUSION

Within the timeline and resources available to LKFN, this internal review has attempted to identify the significant areas of concern, to be addressed by IORVL. This review does not preclude any further significant impacts or conflicts with traditional land users that may be identified.

Thank you for the opportunity to comment and input into this land use permit and water licence application.

Yours truly,



John Renaud
Director of Lands and Resources
(867) 695-3131
mwwb-letters/MV2003X0045-02

E-mail: deneres@cancom.net

c.c. Chief Keyna Norwegian
Council members
Rosemary Gill, Executive Director
DRC members



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E-MAIL: JMRBAND@SSIMICRO.COM

December 19, 2003

VIA TELECOPIER

Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife NT X1A 2P6

Attention: Bob Wooley, Executive Director

Mackenzie Valley Land
& Water Board

File

DEC 19 2003

Application # MV2003L8-0012
MV2003X0045

Copied To

RM/GS/Reg

Dear Sirs/Mesdames:

Re: 2004 Proposed Winter Works Programs
for Mackenzie Valley Gas Pipeline
MV2003X0045 and MV2003L8-0012

With respect to the above referenced 2004 Winter Permits, we confirm that we have only recently received these applications. The applications are lengthy, technical and very complex totaling over 1000 pages of detailed information. Moreover, we have had several members of the DCFN Pipeline Working Group ("PWG") contact you requesting an extension of your imposed deadline for comments. You have not responded to these verbal requests and have requested that we request an extension in writing.

The Land and Water Board has stated that it has given us until December 22, 2003 to provide comments and positions with respect to the 2004 Winter Permits. Moreover, we only received notice of the December 22 deadline on November 21, 2003 (faxed letter of Greg Smith) prior to even receiving the applications. Mr Smith's letter invited recipients to contact him "if additional time is required" to "complete further studies or investigations". We confirm that such additional time is requested

We seriously lack the information, time and resources needed to adequately respond to this substantial work plan and this enormous level of detail that, to our limit eye, indicates a great deal more work is planned than was proposed last winter.

- 2 -

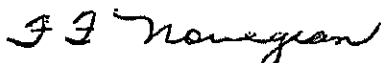
Therefore, we request that you provide us with an extension of time to provide further comments. Given the holiday season and the immense work required, we ask that you delay your determination of this matter and provide us until January 19, 2004 for us to provide comments.

Moreover, we request that the Land and Water Board conduct its preliminary screening in a hearing setting conducted in Fort Simpson as well as one in our own community in the early new year in our own Dene language to review the necessary detail of the 2004 Winter Permits. The Land and Water Board has this power under section 24(1) of the Act. Since this project (and the winter program) is very significant, affects the entire region and will have significant impacts on our Aboriginal community, a preliminary screening process conducted by hearing (with translation) is necessary and hereby requested. In fact, it is the only way to truly determine and address the impacts of the winter program on our treaty and aboriginal rights, short of a detailed environmental assessment under Part 5 of the MVRMA.

As an administrative decision maker on matters relating to infringement of our aboriginal and treaty rights, you in fact do have a fiduciary duty to consult with us and determine the nature of impacts to these our rights. Moreover, as a quasi-judicial body, you are required to apply and consider the whole of the law, including a full consideration of the application of aboriginal and treaty rights to your disposition of these applications. The only way for you to carry out these dual duties is to hear from us directly on these matters, in the context of a hearing. Given the situation, you have a duty of procedural fairness to us to provide us the sufficient time and context to be heard.

As this is an urgent and serious matter, your immediate reply is required.

Mahsi Cho,



Chief Fred Norwegian

BDY.TXT

Hi Greg,

Thank you for consulting with the PAS Secretariat regarding the proposed IORVL geotechnical work which will take place in/near the Edehzhie land withdrawal.

We have mapped the locations with the Edehzhie boundary (see attached map) and determined that the three proposed sites do in fact fall in the 4km wide right-of-way corridor in Edehzhie. This corridor is not part of the withdrawn lands. In addition, the land withdrawal does not apply to the disposition of substances or materials under the Territorial Quarrying Regulations.

We do note however, that these activities will be occurring close to the boundary of the candidate protected area. We ask that you take into account impacts that extend beyond the primary development footprint when reviewing this permit application. It is important that the proponent work with the Edehzhie working group to avoid community concerns regarding this development.

Thank you for the opportunity to comment. If you require further information next week please contact my DIAND counterpart Shelly Johnson at 669-2685 as I will be out of the office until Jan. 19.

Sincerely,

Miki Promislow
Coordinator, Protected Areas Implementation
Protected Areas Secretariat
c/o Parks and Tourism
Resources Wildlife and Economic Development
Government of the Northwest Territories
Box 1320, 8th floor, Scotia Centre
Yellowknife, NT X1A 2L9
Tel: (867)920-8975
Fax: (867)873-0163
web: <http://www.gov.nt.ca/RWED/pas>

Willow Lake River Portion of Edézhíe Candidate Protected Area With Interim Protection

Geotech activity locations in 4 km wide
corridor for planned Mackenzie Valley Pipeline

Legend:

- Edézhíe Candidate Protected Area
with Interim Protection Boundary
- 4 km ROW for planned Mackenzie Valley Pipeline
(centered on existing pipeline ROW)
- Existing Pipeline

- IORVL Geotech Activity Locations

Base Data:

- Waterbody
- Watercourse
- Gravel Road
- Trail
- Cutline
- Contour
- Elevation point (feet)

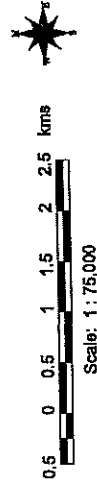
Data Sources:

Edézhíe Candidate Protected Area with Interim Protection: Northwest Territories Protected Areas Strategy (NWT-PAS), Department of Resources, Wildlife and Economic Development (RWED), Government of the NWT, 2002

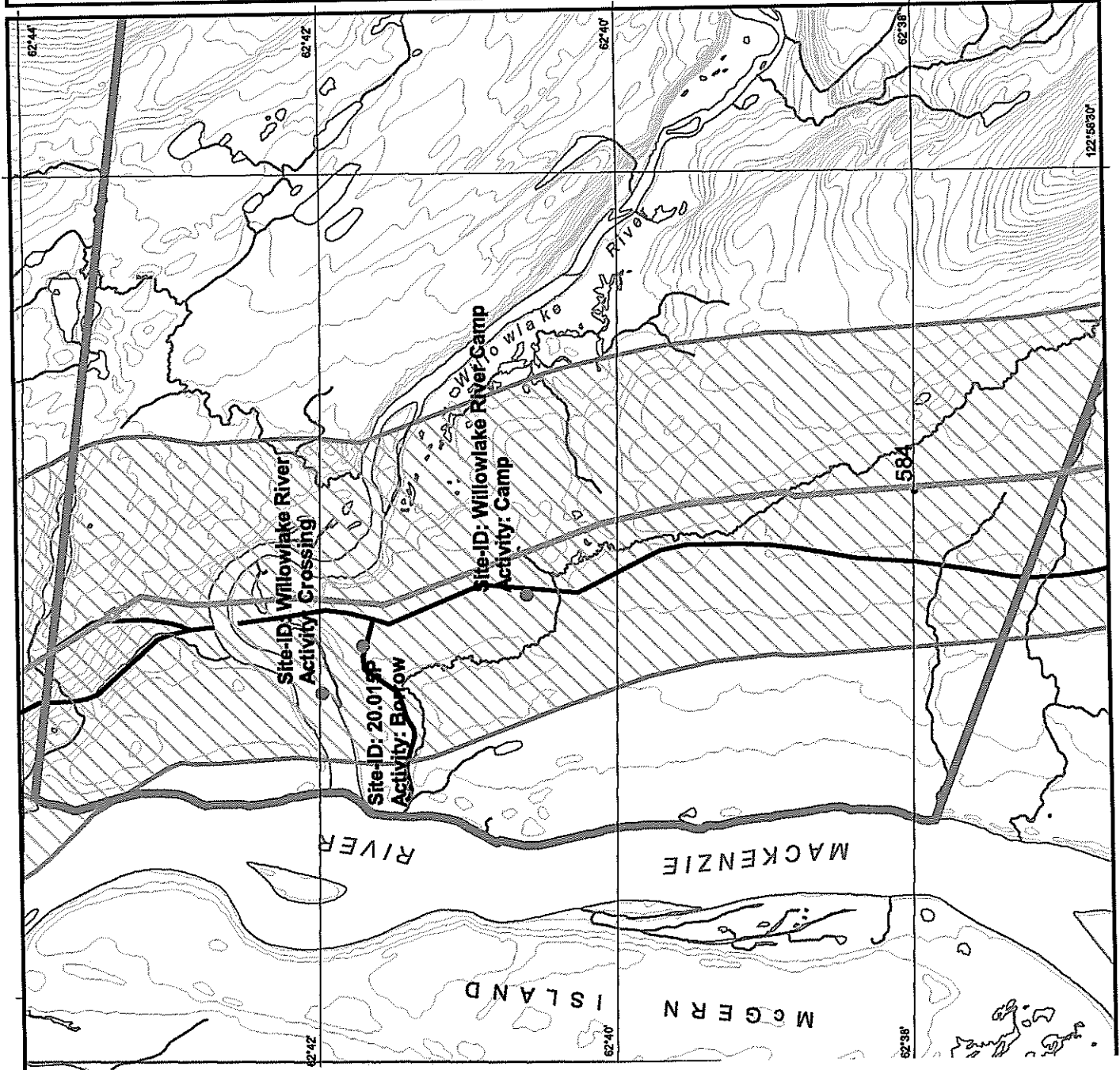
Enbridge Oil Pipeline: Dash Cho First Nations, 2002

IORVL Geotech Activity Locations: provided by Mackenzie Valley Land and Water Board (MVLWB), Jan., 2004

Base data is from digital MTS 1:50,000 map sheets 95-J-10 and 95-J-11. All features are current as of the date of photography/interim corrections (1998) and may not reflect current conditions.



Northwest Territories
Protected Areas Strategy
Compiled: Jan. 08, 2004





DEH CHO FIRST NATIONS

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February 4th, 2004

Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife NT X1A 2P6
Fax: (867) 873-6610

Attention: Bob Wooley, Executive Director

Dear Sir:

Re: Imperial Oil's Proposed 2004 Winter Geotechnical Work in the Deh Cho Region
MV2003X0045 and MV2003L8-0012 ("Winter Work Applications")

The Deh Cho Pipeline Working Group (PWG) is submitting this letter to request that the Mackenzie Valley Land and Water Board (MVLWB) refer Imperial Oil's applications for 2004 winter geotechnical work in the Deh Cho region to an environmental assessment before the Mackenzie Valley Environmental Impact Review Board (Review Board).

The undersigned Chiefs and Metis Local President are submitting this letter on behalf of our respective communities as well as on behalf of the PWG.

The PWG have concluded that this project surpasses both thresholds for a referral to environmental assessment, with those thresholds being:

- 1) the project will have significant adverse environmental/social impacts; and
- 2) the project will have cause for membership and public concern.

Some of the reasons supporting this conclusion are described in the remainder of this letter. In reaching this conclusion the PWG has applied the precautionary principle. In those areas where Imperial has not provided the information required to allow the PWG to conclude that there would not be any significant adverse environmental/social impacts, the only possible conclusion that the PWG could reach was that the project will have significant adverse environmental/social impacts.

- 2 -

Physical Infrastructure

Imperial has not addressed the issue of the extra wear and tear on local roads. For example, Main Street in Fort Simpson was recently paved. Repairing the damage caused by this project might cause a significant adverse impact on the community's finances.

Social Infrastructure

Given the increase in numbers of workers from other areas, there is a risk for an increase in social problems. Current social programming does not meet current needs let alone any added pressures. How will Imperial ensure that this influx of workers will not increase social problems and increase demand for social services? This has not been adequately explained.

Heritage Resources

The PWG notes that there was limited to no community involvement into the selection of some of Imperial's proposed work locations. For example, the community of Jean Marie River had no involvement in the selection of sites within their traditional lands and as a result they are deeply concerned about the potential adverse impacts of this project. As well, Pehtzeh Ki First Nation had no input into the proposed route and has not resolved how traditional and ecological knowledge of proposed route and winter project will be utilized without adequate financial resources; evidently, it has been quite impossible to even prepare at the community level for such a magnitude of a project.

As well, there are important unanswered questions that Imperial has not addressed:

- What specific pre-drilling/excavation steps will be taken to mitigate impacts?
- What training will be provided to workers so that they know how to recognize a heritage resource?
- Who will have the authority to stop work when a potential heritage site is discovered? What training will this person have?
- How will community representatives be involved in the identification and protection of heritage sites?
- Will Imperial have community representatives on site for all groundbreaking activities?

Although Imperial Oil did not provide the PWG with the additional information that was provided to the territorial archaeologist between Dec. 9th and Dec. 19th, we agree with the territorial archaeologist that this project has the potential for causing significant damage to heritage resources in the region.

The PWG also finds Imperial's Jan. 7th proposal to complete Heritage Resource Impact Assessments after receiving the authorizations, but before starting work, to be unacceptable. This impact assessment work needs to be completed prior to any authorizations being issued.

- 3 -

Wildlife and Traditional Land Use

Some of the proposed sites are known to be good moose habitat and, consequently, are active hunting areas for moose. The PWG is concerned about the adverse impacts on the moose habitat, on the moose and on the communities' hunting activities.

Imperial's Jan. 7th response to RWED Information Request #4 further heightens our concerns about the lack of community involvement in the selection of project locations. Imperial's own analysis for borrow sites #9.038PA and #9.038PB indicated that the areas were poor moose habitat. However, traditional knowledge confirmed that these areas were good moose habitat and active hunting areas. The lack of traditional knowledge for other sites, such as those around Jean Marie River, means that Imperial is likely mistaken about the quality of wildlife habitat for other sites. The PWG is concerned about the potential for adverse impacts on wildlife, wildlife habitat and wildlife harvesting due to these incorrect conclusions by Imperial.

Sites Near Trainor Lake

The community of Trout Lake has already indicated their opposition to any sites located between the Enbridge Pipeline and Trainor Lake. Despite this, Imperial proceeded to apply for borrow sites #20.004PB and #20.004PA. The fact that Imperial applied for authorization to work in this area was a cause for public concern in Trout Lake. If Imperial were to be granted authorizations to work in this area, there would be significant public concern.

Willowlake River Crossing

There are permanent residences located near this crossing. The PWG is concerned about the potential adverse impacts the project might have upon these residents.

Protected Areas

The PWG is concerned that Imperial is proposing sites (borrow site #20.015P and the Willowlake River crossing) within the Edehzhie Protected Area. Given the importance of this area, the PWG is disturbed at Imperial's lack of any apparent special consultation or mitigation efforts. The proposed borrow site will have significant adverse effects on the residents of Willow River, burial and sacred sites, important nesting area for water fowl, and Pehdzeh Ki First Nation's efforts in establishing a territorial park within the area.

Imperial does not discuss, or even mention, any potential impacts of the project on the Pehdzeh Ki Deh Candidate Protected Area. Many of the project activities will be occurring within this sensitive cultural, traditional and ecological candidate protected area. The proposed routing also runs inside the settlement area of Pehdzeh Ki First Nation's community. As before, the PWG is disturbed at the lack of resources to address IOR's preliminary investigations and licensing permitting applications, as well, at Imperial's lack of any apparent special consultation or mitigation efforts on these important community concerns and issues.

- 4 -

Summary

The PWG understands that the MVLWB intends to make its decision on this file on Feb. 12th. The PWG requests that it be provided with the MVLWB's decision as soon as it is available so that the PWG can evaluate its options in the event that the MVLWB does not act on our recommendation to refer these applications to EA.

Mahsi Cho,

Chief Keyna Norwegian, PWG Chair
Liidli Kue First Nation

Chief Fred Norwegian
Jean Marie First Nation

Chief Lloyd Chicot
Ka'agee Tu First Nation



Chief Har Lennie
Pehdzeh Ki First Nation

Chief Dennis Deneron
Sambaa K'e Dene Band

Acting President Marie Lafferty
Fort Simpson Metis Nation Local 52

**Imperial Oil Resources Ventures
Limited**
237 Fourth Avenue S.W.
Calgary, Alberta
Canada T2P 0H6

D.F. (Darrell) Becker
Consultation and Community Affairs
Deh Cho Region
Mackenzie Gas Project

Tel. 403 237 3532
Cel. 403 651 8181
Fax. 403 237 2073

December 16, 2003

Chief Dennis Deneron
Sambaa K'e Dene Band

Re: response to letter to B.Shore (ColtKBR) dated October 16th 2003

Dear Chief Deneron,

On behalf of the Mackenzie Gas Project, I would like to respond to issues raised in your letter to Brian Shore of ColtKBR regarding community concerns with preliminary project plans for the Trainor Lake drainage area.

#2(a) - request to move pipeline to the east side of the development corridor from current plans of western edge of the corridor where passing Trainor Lake drainage area

The Mackenzie Gas Project agrees to move the proposed routing to the east side of the development corridor between for ~40 km's where line would pass Trainor Lake. This change would be included in the main regulatory application filing.

#2(b) - request to relocate planned site for 900 person construction camp (kp 1302) northward, out of direct drainage area for Trainor Lake

The Mackenzie Gas Project commits to working with the community to find a location for this camp acceptable to both parties

#2(c) - request to find alternative gravel sites to the 2 proposed locations immediately adjacent (east) of Trainor Lake

The Mackenzie Gas Project suggests accessing 2 alternate sites (south and east of Trainor Lake) in the 2004 winter work program and completing an assessment on all 4 locations. This includes the 2 sites close to Trainor Lake. MGP would then commit to reviewing the findings with your community to develop a solution that would be acceptable to both parties.


Through correspondence (ie; letter from P.Redvers to B.Ramsey dated Oct 21st 2003) and various discussions, it has been noted that Sambaa K'e Dene Band is opposed to development of the potential gravel site identified as 20.003P north and east of Trainor Lake near kp 1282. Reason stated was significant cultural importance of this hill to the community.

The Mackenzie Gas Project agrees to drop this location from our development plans.

We appreciate the opportunity to address issues and concerns raised by the Sambaa K'e Dene Band and we look forward to working with you to arrive at mutually agreeable solutions.

Please contact me directly for any remaining questions or concerns.

Yours truly,

A handwritten signature in black ink, appearing to read "Darrell Becker", with a stylized flourish at the end.

Darrell Becker
Consultation and Community Affairs Lead
Mackenzie Gas Project

.cc Peter Redvers
Robert Norwegian
Brian Shore