

**Alan Ehrlich**

**From:** Alan Ehrlich  
**Sent:** Wednesday, July 14, 2004 12:39 PM  
**To:** Bernie Swanson (saoftsim@cancom.nt); Bruce Hanna (hannab@dfo-mpo.gc.ca); Chief Berna Landry (bernal@ssimicro.com); Chief Floyd Bertrand (floyd\_bertrand@nt.sympatico.ca); Chief Keyna Norwegian (lkfndir@cancom.net); Chief Peter Marcellais (celinea@nahannibutte.com); Daniel Quevillon (quevillond@inac.gc.ca); Doug Bryshun (doughb@ssimicro.com); Ed Hornby (hornbye@inac.gc.ca); Eric Yaxley (yaxleye@inac.gc.ca); Gavin More (gavin\_more@gov.nt.ca); Greg Nyuli (inbusnow@hotmail.com); Greg Smith (greg@mvlwb.com); Hamlet of Ft. Providence (susanc@ssimicro.com); Jim Hawkins (jim.r.hawkins@exxonmobil.com); Joe Acorn (joeacorn@theedge.ca); John Holman (john\_holman@dehchofirstnations.com); John Renaud (deneres@cancom.net); Kelly Pennycook (kellydcfn@yahoo.ca); Lorraine Seale (sealel@inac.gc.ca); Mandell Pinder (roshan@mandellpinder.com); Mayor Maggie Levavasseur (maggie@ssimicro.com); Mayor Raymond Michaud (vofsmayr@cancom.net); Mike Fournier (mike.fournier@ec.gc.ca); Paul Howard (howard.paul@colteng.com); Paula Pacholek (paula.pacholek@ec.gc.ca); Peter Redvers (predvers@ssimicro.com); Shane Hayes (hayess@inac.gc.ca); Wade Romanko (wade.romanko@ec.gc.ca)  
**Subject:** Deficiency Statement- Attachment

(Re-sent WITH attachment!!)

To: Imperial Oil Resources Ventures Ltd.  
CC: Imperial Geotech EA Distribution List

The Review Board has conducted a conformity check on the Developer's Assessment Report, and issues the following Deficiency Statement. Please provide thorough responses following the approach described in section 4.1 of the Terms of Reference by July 28th, 2004.

It is not necessary to submit a re-written report with all responses integrated. An addendum cross-referenced to the document and Terms of Reference will be sufficient.

Sincerely,

Alan Ehrlich  
Senior Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board

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Geotech Final  
Deficiency State...

Deficiency Statement  
Imperial Deh Cho Geotechnical Program  
EA 03- 009

July 14, 2004

The Mackenzie Valley Environmental Impact Review Board has completed its conformity check on the Imperial's Developer's Assessment Report. The following items indicate where responses were deficient in providing the information required by the Review Board's Terms of Reference. Selected parts of Terms of Reference have been provided in this deficiency statement to clarify what information was asked for and is still outstanding.

*H-1 Economic Impacts: ...Provide a summary of overall benefits to the Deh Cho region... Describe why Imperial is not planning to purchase potable water from communities in order to maximize local benefits.... Summarize what specifically will be addressed in Access and Benefits agreements.*

- The response on overall benefits to the Deh Cho region was insufficient; Imperial provided only four lines of very general material on the overall benefits to the Deh Cho region. More detail is required in order for the Review Board to evaluate the benefits.
- Imperial stated that it "intends to source potable water from the community nearest the operations, where feasible" but did not describe why it was not planning to purchase potable water in some cases.
- Imperial did not summarize what specifically would be addressed in Access and Benefits agreements, but stated that the benefit agreement with DCFN is still under negotiation. Imperial is a participant in these negotiations, and is aware of the subjects under negotiation, even if it is not aware of the exact outcomes under each subject. A summary of what the agreement will address is still required.

*H-2 Social Impacts: Provide a detailed description of potential social impacts ... related to health and well-being in communities nearest to camps, including potential changes in pregnancy rates, STDs, and alcohol and drug use. This assessment should include a description of potential direct and indirect impacts on social infrastructure such as medical services and policing. Describe detailed mitigations to minimize or avoid those impacts.*

Imperial provided no detailed predictions of impacts in communities related to pregnancy rates, STDs/STIs, alcohol and drug use, and impacts on social infrastructure. These impacts should be described as required in ToR s.4.1 (in terms of magnitude, geographical extent, spatial boundaries, duration, frequency,

probability, reversibility and significance). More detail on mitigations should also be included as appropriate for the impacts predicted in the revised section.

*H-3 Local Cultural and Heritage Resources: Describe potential impacts on cultural and heritage resources, including a detailed description of how field workers will recognize archaeological sites...*

No description was provided for how field workers will recognize archaeological sites.

*H-4 K'eotsee/ Traynor Lake: Describe in detail the proposed development and potential impacts in the K'eotsee Lake watershed, along with details regarding... any concerns voiced, and the commitments of Imperial in response to those concerns in terms of development design. ...Describe detailed mitigations to minimize or avoid those impacts.*

No details were submitted regarding concerns voiced regarding potential impacts in the K'eotsee Lake watershed, Imperial's commitments in response to those concerns, or mitigations to minimize or avoid those impacts.

*H-5 Traditional Land Use: Discuss the potential impacts of the proposed development on traditional land use and occupation. Describe in detail the concerns raised by land users and the commitments of Imperial regarding compensation for trappers and all other traditional harvesters. Describe detailed mitigations to minimize or avoid those impacts.*

Imperial indicated that compensations for traplines still under negotiation with DCFN, but did not respond regarding compensation for all other harvesters.

*H-6 Protected and Withdrawn Areas: Describe potential impacts on candidate protected areas, including Edehzhie land withdrawal and Pehdzeh Ki Deh areas, and areas which have been withdrawn from development under the Deh Cho process. Describe in detail potential impacts across the boundaries of Edehzhie and Pehdzeh Ki Deh, as well as of the withdrawn areas, by proposed development activities outside of the areas. Describe detailed mitigations to minimize or avoid those impacts.*

Regarding Pehdzeh Ki Deh, Imperial stated that the program could increase access, "resulting in a potential change or increase to other land use in the area", but did not actually describe any resulting impacts as required. Imperial also did not describe any impacts across the boundaries of Edehzhie.

*I-1 Vegetation and Plant Communities: Describe ... the successional condition and habitat value of the regrowth that is to be removed.*

Imperial provided no substantial description of the successional condition or habitat value of the regrowth to be removed during access.

*I-3 Wildlife and Wildlife Habitat: Discuss the potential impacts of the proposed project ... Include discussion of the effects of direct disturbance of the activity (including overflights)... Incorporate traditional land use and Traditional Knowledge in your analysis.*

Imperial did not predict the effects of direct disturbance of wildlife from overflights, and failed to incorporate traditional land use and Traditional Knowledge in the wildlife analysis.

*I-4 SARA: ...(C)onduct an assessment of the potential effects of the project on species at risk. This assessment should include: identification of species at risk that may be affected by the project, identification of measures to avoid, minimize, and mitigate potential effects on these species or their habitat, and a proposed approach to monitoring of these effects.*

In its response, Imperial identified only species listed under the Species at Risk Act. Footnote three of the Terms of Reference specify that, for the purposes of this section, "species at risk" should include wildlife at risk as defined in *Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada*, Canadian Wildlife Service, 2004. This includes all rare or imperiled species designated, or identified as candidates for designation, on a variety of wildlife-related lists (see p. 4 of the guide). The section should be revised accordingly, bearing in mind also the assessment criteria described in Terms of Reference s.4.1.

*I-5 Soil and Overburden: ...Describe the restoration and stabilization measures proposed for sites determined to be inappropriate for the pipeline.*

Imperial did not describe the restoration and stabilization measures proposed for sites determined to be inappropriate for the pipeline.

*J-1 Predict the cumulative impacts that might result from access created by the proposed development impacts in combination with other past, present or reasonably foreseeable future developments and activities (excluding the Mackenzie Valley Pipeline). Describe detailed mitigations to minimize or avoid those impacts.*

The DAR did not provide a prediction of what the effects would be, but simply states that they are likely insignificant. Insufficient supporting information was provided. Also, Imperial did not characterize impacts according to the criteria described in ToR 4.1. (Imperial is advised to refer to Appendix H of the *MVEIRB EIA Guidelines* when revising this).