



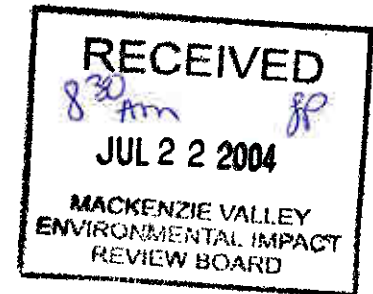
Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Box 1500
Yellowknife NT X1A 2R3
File Number: 7392-7-J1

June 30, 2004

Mr. Vern Christensen
Executive Director
Mackenzie Valley Environmental Impact Review Board
File Number: EA 03-009
via Fax: 766-7074



**RE: Review Board Decision on the Status of Parties in EA 03-009 Imperial
Oil Ventures Geotechnical Survey**

Dear Mr. Christensen,

Thank you for your letter of June 14, 2004 concerning the standing of parties in the above noted environmental assessment. I am writing to set out the views of the Department of Indian and Northern Affairs (DIAND) on some of the points raised in the letter.

Directly Affected Party Status

The Mackenzie Valley Environmental Impact Review Board's Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings define "directly affected party" as follows: "includes a developer, a first nation affected by a proposed development, any responsible minister, a designated regulatory agency or the owner or occupier of any land affected by the development." As a responsible minister and usually also as the owner of the land affected by a development, DIAND generally asks for and receives directly affected party status in environmental assessments conducted by the Review Board. I recognize that the June 14 letter states that "directly affected party status is not necessary for government departments which can participate fully in the EA because of responsible Minister status." For greater certainty and to maintain a consistent EA process, however, I would ask that the Review Board reconsider its decision in this case and grant directly affected party status to DIAND and the other responsible ministers.

Section 22 of the MVRMA

The letter states that "RWED [Resources Wildlife and Economic Development] and Environment Canada are expert departments with responsibilities to assist the Review Board under section 22 of the MVRMA."

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DIAND's understanding of Section 22 is that it allows the Review Board to access information in the possession of a government department when the Review Board requires that information to conduct an environmental assessment. We do not interpret Section 22 as affecting a department's right to "directly affected party" status.

Please do not hesitate to contact me at 669-2647 if you wish to discuss any of these matters.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Livingstone", written in a cursive style.

David Livingstone, Director
Renewable Resources and Environment

cc: Imperial Geotech Distribution List