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Mackenzie Valley Environmental Impact Review Board

June 16, 2004

Mr. Lorne Tricoteux
Associate Regional Director-General
Indian and Northern Affairs
P.O. Box 1500
Yellowknife, NT

Mr. Terry Baker
Chief Conservation Officer
National Energy Board
444 Seventh Avenue SW
Calgary, AB T2P 0X8

Dear Sirs:

**Re: Environmental Assessment for Western Geco Ltd. -- Mackenzie and Liard River
Seismic Program – MVRMA S.130 and 131 Consultation Results**

On November 18th, 2003, the Honourable Robert Nault, Minister of Indian and Northern Affairs, wrote to Mr. Burlingame to initiate a consultation process under subparagraph 130(1)(b)(ii) of the *Mackenzie Valley Resource Management Act* (MVRMA) with respect to the above captioned report of Environmental Assessment. The National Energy Board (NEB) corresponded with the MVEIRB concurrently also requesting consultation under section 131 of the MVRMA.

Board staff met with NEB and Indian Affairs and Northern Affairs officials regarding the substance of the consultation requests on May 14, 2004 in Yellowknife.

The Mackenzie Valley Environmental Impact Review Board subsequently met on May 20th to consider the results of these discussions and have approved rewording of the recommended measures as presented in the attached Consultation Summary.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vern Chrtistensen'.

Vern Chrtistensen
Executive Director

Attachment:

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Attachment:

CONSULTATION SUMMARY

**Mackenzie Valley Environmental Impact Review Board
Report of Environmental Assessment
On the
Western GeCo
Mackenzie and Liard River 2D Seismic Program**

These revised recommendations are the result of a consultation process with the National Energy Board and Indian and Northern Affairs Canada pursuant to sections 131(1)(b) and 130(1)(b)(ii) of the *Mackenzie Valley Resource Management Act* (the Act).

The Mackenzie Valley Environmental Impact Review Board (the Review Board) met on May 20th, 2004 and considered the results of the consultation process. The Review Board has prepared its views pursuant to section 3 of the Act. These views are presented below.

The Review Board has approved the text of the recommendations which resulted from the consultation with one change to recommendation # 1 set out in italics below. These changes, in the Review Board's view increase the potential for involvement of the Gwich'in and Sahtu Renewable Resources Boards and the Deh Cho First Nations in the development of a revised monitoring and mitigation plan. The text of the final recommendations should in the Review Board's view be as follows:

Measure 1:

The Review Board recommends that Western GeCo revise its monitoring and mitigation plan (the Plan) in consultation with Fisheries and Oceans in order to assess and minimize the potential for air gun operations to result in significant adverse environmental effects on fish.

The revised Plan shall be submitted for NEB approval prior to the commencement of the seismic program.

As a component of the development of the revised Plan, Western GeCo and DFO will complete a site-by-site assessment of the routing of the seismic program in relation to potential shutdowns related to sensitive areas identified by DFO in its Technical Report of June 9, 2003 and submission of June 13, 2003. DFO will make all reasonable efforts to consult the Gwich'in and Sahtu

Renewable Resources Board, and the Deh Cho First Nations in the development of the revised Plan.

If the results of the research study referred to in recommendation # 2 are available when the Plan is revised, they shall be incorporated into the revised Plan.

Measure 2:

The Review Board recommends that DFO adopt, as a priority, the undertaking of a research study to address some of the key information gaps regarding the potential impacts on fish resulting from riverine seismic operations and make reasonable efforts to secure the necessary funding. The study should be designed in consideration of comments raised in the Review Board's Environmental Assessment regarding research design and methodology.

Measure 3:

The Review Board recommends that Western GeCo commit to compensate Deh Cho First Nations and Metis harvesters for any direct fish harvesting and equipment losses suffered as a result of project activities. A letter describing this commitment must be filed by Western GeCo with the NEB prior to the commencement of seismic operations.