



Notes on Meeting

File: EA03-007 – Mackenzie Gas Project
Date: February 17, 2004
Location: telecon
Subject: Role of Developer in hearing process
Participants: Martin Haefele, MVEIRB; Wayne Shalagan, Imperial Oil; Nezan Amoozegar, Imperial Oil

Notes:

- The meeting is limited to questions about the process of phase 1 of the EA. There will be a follow up meeting on February 23, 2004.
- During public hearings evidence will be recorded via verbatim transcripts, which will be part of the public record.
- When the work plan was distributed two separate lists were attached, a distribution list and a list of potential parties. The former includes all organizations and individuals who have expressed a wish to be on the distribution list. These organizations and individuals receive correspondence related to this EA. Potential parties are those organizations or individuals that have requested standing as directly affected party or intervener. If approved by the Board these parties will be allowed to actively participate in the EA. The distinction becomes important mostly during phase 2.
- The distribution list may change throughout the EA as organizations or individuals wish to be added or removed. Similarly, parties may be identified at any point in the EA. The work plan does make it clear, however, that parties will not be allowed to request extensions in order to review information filed prior to the party's identification.
- The work plan does not include an Information Request process in phase 1 of the EA. The MVEIRB reserves the right to ask the developer questions or ask for clarifications or additional information. There are no plans to do that at this point.
- The proceedings of the regional work shops held by the developer were submitted to the MVEIRB prior to the MVLWB's referral of the Camsell Bend application. Discussion of this item is deferred to the follow up meeting.
- Imperial Oil was not aware of some of the recent additions to the public registry. MVEIRB will make sure that an updated index will be made available to the distribution list asap.
- The mechanics of a referral to Environmental Impact Review, e.g. who exactly makes the referral, the Board or the minister, is deferred to the follow up meeting.
- The work plan identifies May 7, 2004 as anticipated date for a decision on whether to directly refer the development to EIR and May 21, 2004 as anticipated date for the

release of the Report of Environmental Assessment and Reasons for Decision. The purpose of having two dates is that the MVEIRB intends to make its decision public as soon as possible so preparations for a joint review panel can proceed. Whether or not the minister will accept the referral prior to receiving the Report of Assessment or wait until after May 21 is up to the minister. This issue may warrant further discussion at the follow up meeting; it is related to the mechanics of the referral.

- The hearing process is designed to gauge the level of public concern and to identify specific environmental impacts. The Board intends to base its decision on direct referral on public concern, but it is required by law to consider environmental impacts. Also, the Board may utilize information gathered about specific impacts for input into the terms of reference for the environmental impact statement.
- Rule 69 of the Board's Rules of Procedures allows the Board to narrow the scope of questions at hearings. It is conceivable that the chair will disallow questions totally unrelated to the EA. Because the hearings will be run as community hearings, a wide range of questions or comments should be expected.
- There is no agenda for hearings yet. Generally community hearings include a presentation by the Board, a presentation by the developer, and then an open floor.
- It is up to the developer to decide whether the co-developers should be present at the hearings or only the lead company. The Board does expect the developer to have people at the hearing that are knowledgeable about the proposed development. For example, Northrock Resources during their community hearing in Tulita was represented by their drilling manager, their project manager and two representatives from the consulting company that did all their environmental work. Further discussion on the developers role during the hearings is deferred to the follow up meeting.
- The public has been notified of the hearings in news paper ads in News North. There will be further ads. The distribution list will receive exact hearing dates and locations this week.
- The Board waived the 45 day notification period.
- There is not really any flexibility in the hearing dates. Any change would have to be reconciled with other Board activities and would almost certainly result in a delay in the process.
- MVEIRB anticipates the role of government to be that of an observer during the hearings. At least that is our experience with community hearings. Government is, however, free to speak at the hearings as is everybody else.
- The question of whether additional paper copies of the PIP need to be made available is deferred to the follow up meeting.
- The MVEIRB encourages the developer to present detailed maps at the hearings. This may be limited to the region the hearing is in. There is no requirement to file presentations with the Board in advance for community hearings.

- DIAND has made funding available to regional aboriginal organizations that can be used in the EA process. The money is not specific to the EA process.
- The entire Board will be present at the hearings. This is a matter of natural justice.
- The follow up meeting is scheduled for 09.00 hrs on February 23, 2004. Participants are expected to be for the MVEIRB Vern Christensen, John Donihee and Martin Haefele; for Imperial Oil Wayne Shalagan, Nezam Amoozegar, Peter Grout, Sandy Marten, and Randy Ottenbreit.

Martin Haefele, EAO