

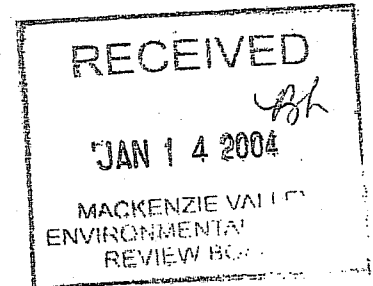


Andrew Gamble & Associates

14 Mitchell Drive, Yellowknife, NT, Canada X1A 2H5

Fax

3 Pages incl. cover
14 January, 2004



To:

Fax

J. David Tyson, Area Habitat Biologist, DFO	669-4940
Vern Christensen, Executive Director, MVEIRB	766-7074
Bob Wooley, Executive Director, MVLWB	873-6610
Russell Neudorf, A/DM, Department of Transportation, GNWT	873-0363
Albert Lafferty, COO, Deh Cho Bridge Corporation	699-4899
Ron Allen, Area Director, DFO-WAA	669-4941
Julie Dahl, Area Chief, Habitat, DFO-FHM	669-4940
Stephen Mathyk, Regulatory Officer, MVLWB	873-6610

Phone: (867) 873-4629 Cell: (867) 444-2099 Fax: (867) 669-2028
e-mail: agamble@theedge.ca



Andrew Gamble & Associates

14 Mitchell Drive, Yellowknife, NT, Canada X1A 2H5

By Fax

Mr. J. David Tyson
Area Habitat Biologist
Fish Habitat Management
Department of Fisheries & Oceans – Western Arctic Area

January 14, 2004

Dear Mr. Tyson;

Deh Cho Bridge

I have reviewed your Preliminary Screening Report and letter of January 6th, referring this project to the MVEIRB for environmental assessment.

Three separate applications were submitted to DFO, CCG and the MVLWB between January and May of 2003. Your letter of June 18th, 2003 states that there would be a joint screening by these three agencies, with the MVLWB leading in the consultation. It also states that there would be a joint screening report.

As noted in your screening, the MVLWB distributed our application for comment to a range of stakeholders. Several government agencies requested further information to assist in their review. DIAND-SMD in particular, had several unanticipated requests for information that required further field work and analysis to address. This work has now been completed and our response is pending.

However, your unilateral decision to issue a screening and your referral to the MVEIRB has precluded the completion of a joint screening. The MVLWB, advise me that the matter is now 'out of their hands'. The MVEIRB advise that the assessment starts 'at square one', including restarting consultation, and could take at least six to twelve months.

As you know, we had expected that this project would be approved by the MVLWB in January or February. Now that it has been referred to the MVEIRB for an assessment, we are hoping for a focused and efficient review. I wonder if you could help me with answers to several questions that may assist us in this process.

Your screening report notes no concerns under the Fisheries Act (DFO mandate) and acknowledges that the MVLWB was awaiting further information from the proponent on questions raised by other reviewers. It appears to have referred the matter to the MVEIRB based solely on a letter from the Chamber of Mines.

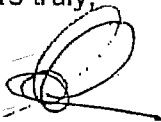
1. What factors changed to cause DFO to issue a unilateral rather than joint screening report, as previously agreed?

Phone: (867) 873-4629 Cell: (867) 444-2099 Fax: (867) 669-2028
e-mail: agamble@theedge.ca

2. Did DFO discuss this decision with and have the support of the other screeners to refer the project to the MVEIRB.?
3. Why would DFO issue its report when it acknowledges that the proponent is still gathering the requested information for submission to the lead agency, the MVLWB?
4. Why would DFO refer this to an EA based solely on a letter from the Chamber of Mines, without providing the proponent or the lead screening agency the opportunity to respond, assess or comment on the issues raised? (For example, we would have noted that similar letters were sent by the mining industry to the Minister of Transport, and we would have directed you to the Minister's response to these concerns)
5. Does DFO use in-house expertise to assess the validity of these economic concerns or did it seek advice from outside expertise? If so, from whom?
6. You stated in our conversation on January 7th that you were not aware of the public hearings and eventual passage of the enabling legislation by the NWT Legislature (the Deh Cho Bridge Act). As I am sure you now know, the legislative process included extensive public consultations, providing stakeholders with ample opportunity to question the economic impacts of the proposal. Now that you are aware of it, would you agree that this public process was the proper place to deal with public and industry concerns about the proposed non-environmental policy and tolling issues raised by the Chamber of Mines?
7. Do you think it appropriate that the MVEIRB even consider review of the tolling issue, thereby second-guessing the validity an Act passed under Territorial legislative authority?

Your response will assist us in preparing for the environmental assessment process under the MVRMA.

Yours truly,



Andrew Gamble

- C Vern Christensen, Executive Director, MVEIRB
Bob Wooley, Executive Director, MVLWB
Russell Neudorf, A/DM, Department of Transportation, GNWT
Albert Lafferty, COO, Deh Cho Bridge Corporation
Ron Allen, Area Director, DFO-WAA
Julie Dahl, Area Chief, Habitat, DFO-FHM
Stephen Mathyk, Regulatory Officer, MVLWB

Phone: (867) 873-4629 Cell: (867) 444-2099 Fax: (867) 669-2028
e-mail: agamble@theedge.ca