



Northwest Territories Resources, Wildlife and Economic Development

NOV 12 2004

Ms. Mary Tapsell
Manager, Environmental Impact Assessment
Mackenzie Valley Environmental Impact Review Board
P.O. Box 938
5102-50TH AVENUE
YELLOWKNIFE NT X1A 2N7

Dear Ms. Tapsell:

Hay River Biotreatment Pad: Request for Comments

Thank you for your letter of October 28, 2004 regarding the proposed Hay River Biotreatment Pad (HRBP). In your letter, you requested comments on three questions related to the possibility that the Mackenzie Valley Environmental Impact Review Board (MVEIRB) may conduct an environmental assessment of the HRBP on its own motion.

The Government of the Northwest Territories (GNWT) has considered the questions posed in the letter and provides the following answers:

1. ***In your opinion, does the MVEIRB have the authority to conduct an environmental assessment on its own motion (MVRMA S.126(3)), given that the Mackenzie Valley Land and Water Board has already submitted the Water License to the Minister for signature?***

A decision regarding the authority of the MVEIRB under the *Mackenzie Valley Resource Management Act* to conduct an environmental assessment in this instance rests with MVEIRB, its legal counsel and ultimately the courts.

2. ***In your opinion, did the Town of Hay River, its contractor HAZCO or other agencies adequately address the technical issues in their submissions to the preliminary screening process?***

As a technical expert in preliminary screening process and the public hearings, the GNWT feels that the technical issues were adequately addressed by the Town of Hay River; its contractor HAZCO and other agencies.

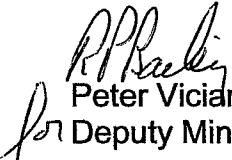
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3. ***In your opinion, is an environmental assessment necessary or warranted? If so please provide a detailed description of your concerns and list the issues an environmental assessment would need to examine.***

The GNWT does not believe that an environmental assessment is necessary or warranted on technical grounds.

Please contact Mr. Gavin More, Manager of Environmental Assessment at 873-7244 with any questions that you may have regarding our responses.


Peter Vician
for Deputy Minister