



DEH CHO FIRST NATIONS

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July 7, 2004

To: Andrew Mitchell, Minister of Indian and Northern Affairs Canada
Joe Handley, Premier of the Northwest Territories
Kenneth Vollman, Chair of the National Energy Board
Brendan Bell, Minister of Resources, Wildlife and Economic Development
Geoff Regan, Minister of Fisheries and Oceans Canada
David Anderson, Minister of Environment Canada
Todd Burlingame, Chair of the Mackenzie Valley Environmental Impact Review Board

Re: **Mackenzie Valley Environmental Impact Review Board's Reasons for Decision for the Paramount Resources Ltd. Cameron Hills Extension Environmental Assessment and Sections 130 and 131 of the *Mackenzie Valley Resource Management Act***

The Mackenzie Valley Environmental Impact Review Board (Review Board) has released its decision on the current Paramount Resources Ltd. environmental assessment (EA). The next step in the EA process is for the Federal Minister (the Minister of INAC) and the National Energy Board (NEB) to formally respond, under Sections 130 and 131, respectively, of the *Mackenzie Valley Resource Management Act (MVRMA)*, to the recommendations contained within the decision. In making his decision, the Federal Minister must also consult with the Responsible Ministers (Environment Canada, Fisheries and Oceans Canada and RWED).

The Federal Minister (FM), the NEB and the Responsible Ministers (RMs) basically have four options when responding to the Review Board:

1. To order that the project undergo an environmental impact review;
2. To accept the Review Board's recommendations;
3. To refer one or more of the recommendations back to the Review Board for further consideration; or
4. To consult with the Review Board on modifications to one or more of the recommendations.

The purpose of this letter is to inform the FM, the NEB, the RMs and the Review Board that Deh Cho First Nations (DCFN) expects that both it and the individual Deh Cho communities will be involved in all aspects of the post-Report of EA decision process.

In late 2001 and early 2002, at the end of the last Paramount EA, the FM, the NEB and the RMs wanted changes to some of the Review Board's recommendations and requested consultations under Sections 130(1)(b)(ii) and 131(1)(b). The Review Board agreed but with the condition that the process would be open and that the communities could be involved.

The following quotes are from Review Board correspondence:

Dec. 21, 2001
letter to INAC

"For the EA process to be fair to all parties, from a quasi-judicial perspective, the Review Board considers it important that all parties be made aware of when the Minister requests that consultation occur between his Department and the MVEIRB as well as the concern(s) that led to the Minister making the consultation request. Formal notice is required to put the request for consultation on the Public Registry and to advise participants (expert advisors and intervenors) in the EA process, as some participants may wish to provide further advice or comment on the content of consultation discussions.

This approach will ensure that the consultation process is transparent and seen to be fair and objective."

Dec. 24, 2001
letter to INAC

"As the Review Board's recommended measures were developed in the spirit of transparency, fairness and objectivity, the Review Board envisions that any changes to these measures will be made in a similar fashion. The Review Board wants to ensure that INAC has informed other EA participants (see fax distribution list) of the Jan. 4th meeting and provided them the opportunity to participate in the consultation process. As such, the Review Board has no objection to the developer or any other EA participant making their concerns, or their opinion of other's concerns, known before or during the Jan. 4th meeting."

Jan. 3, 2002 letter
to Mandell Pinder

"The Review Board has taken the position that the consultation process should, consistent with the rules of fairness, be open to parties in the environmental assessment process."

The FM, the NEB and the RMs disagreed with the position taken by the Review Board. In its Jan. 3, 2002 letter to the Review Board, INAC wrote: "INAC and other responsible ministers do not agree to the inclusion of other parties to our consultations as we believe this would be inconsistent with the requirements of the Act...". The FM, the NEB and the RMs only agreed to participate in the Jan. 4, 2002 consultation meeting, which included the Ka'a'Gee Tu First Nation and Paramount, on a "without prejudice" basis.

DCFN supported the position taken by the Review Board at that time and expects that any future post-Report of EA consultations for the current Paramount EA will be an open, fair and transparent process. Specifically, DCFN expects that it and the individual Deh Cho communities will be:

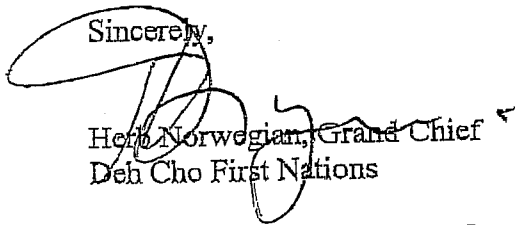
- Promptly copied on any and all correspondence between the Review Board and the FM, the NEB and the RMs;

- Promptly copied on any and all correspondence between Paramount and the FM, the NEB, the RMs and the Review Board;
- Informed of the FM's, the NEB's and the RMs' concerns and suggested modifications to the Review Board's recommendations;
- Invited to participate in any meetings between the Review Board (including its staff) and the FM, the NEB and the RMs; and
- Invited to participate in any meetings between Paramount and the FM, the NEB and the RMs.

It would be unfair to the communities for the Review Board's recommendations, which were developed in an open and transparent process, to be deleted or modified in a closed and secretive process with no community involvement. DCFN and the individual Deh Cho communities must be involved in any decisions where Deh Cho rights and title are being infringed.

DCFN requests that the FM, the NEB, the RMs and the Review Board each provide a prompt written response to DCFN detailing your organization's expectations for how the post-Report of EA process under Sections 130 and 131 for the current Paramount EA, and other future EAs, will occur and the role of DCFN and the individual Deh Cho communities in that process.

Sincerely,



Herb Norwegian, Grand Chief
Deh Cho First Nations

c.c. Rick Sanderson, Fort Providence Resource Management Board
Bern Landry, Deh Gah Got'ie First Nation
Allan Landry, Ka'a'gee Tu First Nation
Roy Fabian, Katlodeeche First Nation
Karen Felker, West Point First Nation
Albert Lafferty, Fort Providence Metis Council - Local No. 57