

**MVEIRB - FORM 2****Request for Ruling****Environmental Assessment EA0506-007:  
Paramount SDL-8 2-D Geophysical Program**

TAKE NOTICE that a Request for Ruling will be made to the MVEIRB by the Ka'a'Gee Tu First Nation by written submission dated December 21, 2005 or as soon after that time as the Board may decide to address the Request.

**The Ruling requested from the MVEIRB is as follows:**

That the above-mentioned environmental assessment be immediately suspended, and shall not recommence, until such time as legal proceedings T-1379-05 and T-1996-05 in the Federal Court are completed, and the Ka'a'Gee Tu's rights and interests in relation to their territory affected by Paramount's development activities are properly addressed.

**The facts or information relevant to this Request for Ruling which should be considered by the MVEIRB are as follows:**

1. The above-mentioned environmental assessment is an assessment of Paramount's activities in the Cameron Hills area.
2. The Cameron Hills area is the Traditional Territory of the Ka'a'Gee Tu First Nation, of the Deh Cho Nation. The Ka'a'Gee Tu's rights and interests in respect of the Cameron Hills area are detailed in the attached Court proceedings.
3. Paramount's activities in the Cameron Hills have been subject to previous environmental assessments, including EA01-005 and EA03-005.
4. EA03-005 is currently the subject of legal proceedings in T-1379-05 and T-1996-05 in the Federal Court.
5. Issues raised in the legal proceedings include:
  - The scope of the Responsible Ministers' power to modify recommendations of the Board.
  - The proper process to be followed in a consult to modify process.
  - The scope and nature of the Crown's duty to consult the Ka'a'Gee Tu in respect of proposed activities in their Traditional Territory, including Cameron Hills.

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➤ The scope and nature of the Crown's duty to accommodate the Ka'a'Gee Tu's rights in respect of proposed activities in their Traditional Territory, including Cameron Hills.

6. These issues will arise again in the context of the above-mentioned environmental assessment.
7. The Board, in previous environmental assessments of Paramount's activities in the Cameron Hills area, including in EA01-005 and EA03-005, found a need for binding agreements to be entered into with the Ka'a'Gee Tu to properly address the impacts of Paramount's activities on Ka'a'Gee Tu rights and interests, including through a Harvester Compensation Plan and a Benefits Plan. No such agreements have ever been entered into.

**The authority or grounds for the Ruling which should be considered by the MVEIRB are as follows:**

Relevant Rules include:

8. The Review Board may, in any proceeding, dispense with, vary or supplement these Rules by way of a direction on procedure.
9. The Review Board may issue a direction on procedure at any time during an environmental assessment or environmental impact review proceeding.
11. The Review Board may, on its own motion, or on a Request for Ruling by any party, lengthen or shorten the time for any action to be taken in an environmental assessment or environmental impact review proceeding subject to any conditions the Review Board may impose.
12. Where any issue arises during the course of a proceeding, the Review Board may take any action necessary consistent with these Rules, or permitted by law, in order to enable it to fairly and effectively decide on the issue.

AND FURTHER TAKE NOTICE that in support of this Request for Ruling, the Ka'a'Gee Tu rely on their Notice of Application in both T-1379-05 and T-1996-05 in the Federal Court, copies of which are provided herewith.

Dated at Vancouver, British Columbia, on (MM/DD/YY) 12/21/05.

  
Louise Mandell, Q.C.

