

# Mackenzie Valley Environmental Impact Review Board

March 3, 2004

Chief Fred Norwegian  
Jean Marie River First Nation  
General Delivery  
Jean Marie River, NT X0E 0N0

Dear Chief Norwegian,

**Re: Referral of Imperial Oil Resources Ventures Ltd Geotechnical Field Investigations to Environmental Assessment**

The Mackenzie Valley Environmental Impact Review Board (MVEIRB) received your letter dated February 18, 2004 in which you refer Imperial Oil Resources Ventures Ltd.'s Geotechnical Field Investigations (Land Use Permit/Water Licence Applications MV2003X0045/MV2003L8-0012) to Environmental Assessment.

Section 126(2)(c) of the Mackenzie Valley Resource Management Act (MVRMA) gives local governments the authority to refer a development to the MVEIRB for Environmental Assessment if the development is within the local government's boundaries, or if the local government is of the opinion that the proposed development might have a significant adverse effect within its boundaries. Section 2 of the MVRMA defines a local government as:

*"... any local government established under the laws of the Northwest Territories, including a city, town, village, hamlet, charter community or settlement, whether incorporated or not, and includes the territorial government acting in the place of a local government pursuant to those laws."*

The MVEIRB routinely verifies the status of the referring authority when a development is referred to it. Our research shows that the Jean Marie First Nation has not been established as a local government under either the Cities, Towns and Villages Act, the Charter Communities Act, the Hamlets Act or the Settlement Act of the Northwest Territories. However, our research further indicates that the Government of the Northwest Territories recognizes the Jean Marie

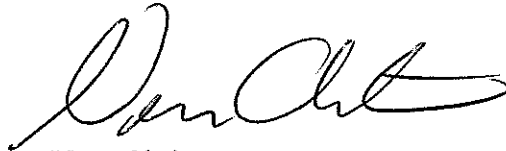
River First Nation, which is established under federal not territorial law, as the local government in Jean Marie River under a GNWT policy.

While the Jean Marie River First Nation carries out the duties of a local government in the community of Jean Marie River, it is not a local government established under the laws of the Northwest Territories. Consequently the Jean Marie River First Nation is not a local government as defined by the MVRMA and does have the authority to refer a development to the MVEIRB. Please see the attached *Reasons for Decision* document for details.

Therefore the MVEIRB cannot undertake an Environmental Assessment of the proposed geotechnical field investigations based on your referral letter.

If you have any questions regarding these proceedings, please do not hesitate to contact Mr. Alan Ehrlich at (867) 766-7056 or [aehrlich@mveirb.nt.ca](mailto:aehrlich@mveirb.nt.ca).

Sincerely



Vern Christensen  
Executive Director

*Attachment:*

*Reasons For Decision - see PR 3/12*

Cc: Grand Chief Herb Norwegian, Deh Cho First Nation  
Chris Reid, Legal Counsel DCFN  
Pipeline Working Group (DCFN)  
Bob Wooley, MVLWB  
Minister of INAC



Mackenzie Valley Environmental Impact Review Board

Box 938 , 5102-50th Avenue, Yellowknife, NT X1A 2N7  
[www.mveirb.nt.ca](http://www.mveirb.nt.ca)

From: Alan Ehrlich

Fax: (867) 766-7074

---

Phone: (867) 766-7056

---

Date: March 3, 2004

Pages: 86 including this page

---

To: Chief Fred Norwegian

Fax: (867) 809-2002

Jean Marie River First Nation

CC: DCFN

MVLWB

INAC

---

Subject: Imperial Geotechnical

**NOTES:**

Dear Chief Norwegian,

This letter is intended to replace the letter that was sent to you by the MVEIRB on Feb. 26, 2004.

Sincerely,

Alan Ehrlich.  
Senior Environmental Assessment Officer