



March 3, 2004

Chief Tim Lennie
Pehdzeh Ki First Nation
General Delivery
Wrigley, NT X0E 1E0

Dear Chief Lennie:

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 16, 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 Pehdzeh Ki 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 Pehdzeh Ki First Nation, which is established under federal not territorial law, as the local government in Wrigley under a GNWT policy.

While the Pehdzeh Ki First Nation carries out the duties of a local government in the community of Wrigley, it is not a local government established under the laws of the Northwest Territories. Consequently the Pehdzeh Ki First Nation is not a local government as defined by the MVRMA and does not have the authority to refer a development to the MVEIRB. Therefore the MVEIRB

cannot undertake an Environmental Assessment of the proposed geotechnical field investigations based on your referral letter. Please see the attached *Reasons for Decision* document for details.

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.

Sincerely



Vern Christensen
Executive Director

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

Attached: See P.R. Item 12



Mackenzie Valley Environmental Impact Review Board

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Date: March 3, 2004

Pages: 36 including this page

To: Chief Tim Lennie

Fax: (867) 581-3229

Pehdzeh Ki First Nation

CC: DCFN

MVLWB

INAC

Subject: Imperial Geotechnical

NOTES:

Dear Chief Lennie,

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