



## **Mackenzie Valley** Environmental Impact Review Board

**IN THE MATTER OF:** Environmental Assessment EA0506-007: *Paramount SDL-8-2-D Geophysical Program* pursuant to the Mackenzie Valley Resource Management Act.

**AND IN THE MATTER OF:** A Request for Ruling to the MVEIRB by Paramount Resources Ltd. that various documents should not be accepted as evidence in EA0506-007 and that the area affected by the development be declared exempt from the Deh Cho Land Use Plan.

### **REASONS FOR DECISION**

#### **BACKGROUND:**

The Mackenzie Valley Environmental Impact Review Board (Review Board) met on October 13<sup>th</sup>, 2006 to consider a *Request for Ruling* filed by Paramount Resources Ltd. (Paramount) in the Paramount SDL8 Environmental Assessment. The Paramount request was submitted on September 25<sup>th</sup>, 2006 and addressed two matters.

Paramount asked the Review Board to rule that:

1. Draft documents should not be considered by the MVEIRB in its deliberation in this Environmental Assessment; and
2. The project area contemplated in this environmental assessment is exempt from the Deh Cho Land Use Plan – draft or otherwise.

To help clarify the request, the Review Board identified the following documents on the public record for EA0506-007 as being in a “draft” state, and which therefore may be potentially affected by this request:

- Anderson, R.B., Dyer, S.J., Francis, S.R., and Anderson E.M., 2002, Development of a Threshold Approach for Assessing Industrial Impacts on Woodland Caribou in Yukon (draft report). Prepared for Environment Directorate, INAC, Yukon.
- Boreal Caribou Committee (BCC), 2005, Caribou Range Restoration Project: Guidelines for Planning and Implementation (draft).
- Deh Cho Land Use Planning Committee, 2006, Final Draft Deh Cho Land Use Plan.
- Mackenzie Valley Environmental Impact Review Board. 2003. Preliminary Screening of Seismic Operations in the Mackenzie Valley (draft).

- Mackenzie Valley Land and Water Board, 2005, Draft conditions for Land Use Permit Number MV2005B0021

## **THE POSITIONS OF THE PARTIES TO THE EA:**

The Review Board offered Parties to the EA an opportunity to comment on Paramount's request. The four responses received on the Request for Ruling are summarized below:

**GNWT:** The Government of the Northwest Territories noted that draft documents should be allowed and that if the developer has an issue with something in a draft document they could identify their specific concern with the content so that it can be addressed. In regards to the draft Deh Cho Land Use Plan – the GNWT submitted that it contains valuable information even though it is still a draft. The GNWT recommended that the Request for Ruling be denied.

**Dehcho Land Use Planning Committee:** The DCLUPC acknowledged that the land use plan is draft and therefore that the Plan requirements are not legally binding. They acknowledge there is a lot of relevant and useful information contained in the Draft Plan.

**INAC:** Indian and Northern Affairs Canada stated that the Review Board must give appropriate weight to any documents that it considers when making its decisions. INAC suggested that the weighting system be as transparent as possible and that any relevant rationale be included.

**Ka'a'Gee Tu First Nation:** The KTFN stated that they believe that draft documents should be admissible and subject to the Review Board's consideration. The KTFN urged the Review Board to reject the Request for Ruling.

The Review Board considered the Request for Ruling and the Parties' responses and decided as follows.

## **ANALYSIS:**

The draft documents on the public record in this EA have been examined. They are relevant to the issues involved in the EA and probative. These documents will in the Review Board's opinion provide information which will assist the Review Board to make a decision. The MVEIRB recognizes that some of these documents could change before they become final but this does not eliminate the usefulness of the documents in their present form. The Review Board will take the draft nature of the documents into consideration and will give appropriate weight to each of these documents in making a decision on the Environmental Assessment.

The question of the application of the draft Deh Cho Land Use Plan to the area affected by the proposed Paramount SDL 8 Seismic development is not a matter which the Review Board can affect. The Board notes that the draft Deh Cho Land Use Plan does contain information relevant to matters at issue in this proceeding.

In light of the above, the Review Board has decided:

1. The Review Board will consider draft documents in an environmental assessment of the proposed Paramount SDL 8 Seismic development, and

2. The Review Board does not have the authority to rule whether or not the project area of the proposed Paramount SDL 8 Seismic development is exempt from the Deh Cho Land Use Plan – draft or otherwise.

**DECISION:**

Paramount's request that the Review Board should not consider draft documents in EA0506-007 is denied.

**DATED:      October 17<sup>th</sup>, 2006**

**For the Mackenzie Valley Environmental Impact Review Board:**



Ms. Gabrielle Mackenzie-Scott

Chairperson