

**PUBLIC REVIEW
of
WESTERNGECO MACKENZIE DELTA
MARINE 2D SEISMIC PROGRAM 2003**

**FINAL REPORT OF
A PANEL OF THE
ENVIRONMENTAL IMPACT REVIEW BOARD**

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PANEL'S FINDINGS AND RECOMMENDATIONS

Following a referral from the Environmental Impact Screening Committee (EISC) on June 18, 2002, the Environmental Impact Review Board (EIRB) undertook a public review of a Development entitled "WesternGeco Mackenzie Delta River 2D Seismic Program 2002". The Development was put on hold, at WesternGeco's request, on June 26, 2002. With the review on hold, WesternGeco was able to carry out research by means of a Test Program during the summer of 2002 to ascertain the effects of seismic surveys on fish and other fauna in the Mackenzie River. The Development remained on hold until November 25, 2002, when WesternGeco requested the resumption of the review process.

The findings and recommendations made by the Panel of EIRB members, including terms and conditions are listed below. The mandate of the EIRB and the Panel, a summary of the Development under consideration, and the Panel's reasons for reaching its decision are presented in the main body of this report.

Panel's Findings

After a careful review of the evidence before it, particularly the results of WesternGeco's 2002 Test Program, the views of the Panel's technical advisor and the lack of concern expressed by community residents, the Panel recommends that the Development proceed with the mitigative measures proposed by the Developer.

These mitigative measures include:

- ramping up the airgun array each time it begins to operate;
- using an air gun array proven by testing to be appropriate in size for the records to be collected;
- shutting down the array frequently for repair and maintenance;
- conducting the survey before there are large upstream migrations of whitefish;
- traveling in the deepest portion of the channels;
- utilizing a monitoring program similar to that undertaken during the 2002 Test Program;
- operating only when the visibility is sufficient to allow the monitors to do their job effectively;
- suspending the Development, pending discussions with Fisheries and Oceans Canada (DFO) or Department of Resources, Wildlife and Economic Development (RWED-GNWT) representatives, should 10 or more stunned fish be observed within one hour, or any dead fish or wildlife, or any injured wildlife be observed in the wake of the Development. Resumption of the Development will be dependent on the results of those discussions and the circumstances leading to the injuries or mortalities;
- shutting down should a marine mammal or a semi-aquatic mammal be sighted within 1000 m of the ship.

The Panel estimates that should the worst case scenario come to pass, the fish harvesting loss for broad whitefish and inconnu could be \$328,350. The Panel notes that this figure does not take into account the cultural loss associated with the fish

harvest.

Panel's Recommendations

[Note: Numbers in brackets correspond to the sections of this document from which the recommendations were taken]

To ensure that any impacts of the Development are minimized, the Panel recommends:

- that, as the Developer suggested, the survey be carried out in early August, but that it be allowed to extend into late August if circumstances prevent it from being undertaken earlier;(4.5)
- that the lead scout boat be equipped with a broad beam fish finder and that, in the vicinity of locations identified by DFO representatives as being known concentration spots for fish (Holmes Creek and Horseshoe Bend), the lead scout boat determines whether, at the time of the seismic survey, fish have concentrated there. If a concentration of fish is detected, the air gun array should be shut down one km before the concentration and not be ramped up until the array is one km past the concentration;(4.5)
- that guidelines be developed and incorporated into the instructions for monitors to effectively implement the previous recommendation. The guidelines should include a threshold which would serve to determine what is a fish concentration to avoid;(4.5)
- that the monitor on the main vessel check frequently behind the vessel for indications of stunned or dead fish;(5.4)
- that monitors have access to direct communication to the appropriate Hunters and Trappers Committee (HTC)/Inuvialuit Game Council (IGC) when they deem necessary;(5.4)
- that WesternGeco communicate, by means of a letter in advance of the Development, with all of the cabin owners along the proposed routes to advise them of the Development and its timing;(5.4)
- that DFO be permitted to have an observer on board the vessel for the duration of the Development.(5.4)

1.0 THE PUBLIC REVIEW

1.1 Establishment of the EIRB

The *Inuvialuit Final Agreement* (IFA), dated June 5, 1984, settled the land claim of the Inuvialuit in the Western Arctic Region of Canada. This Agreement was "approved, given effect and declared valid" by subsection 3(1) of the *Western Arctic (Inuvialuit) Claims Settlement Act*, being Chapter 24, 32-33, Elizabeth II of the Statutes of Canada.

The Act further provided in subsection 3(2) that the beneficiaries under the IFA "shall have the rights, privileges and benefits set out in the Agreement", and in section 4 that the provisions of the Act and of the IFA will prevail over any other law applying to the Territory in the event of inconsistency or conflict.

Being a land claims settlement within the meaning of section 35 of the *Constitution Act, 1982*, the IFA is thereby affirmed as an existing aboriginal right. In consequence of these statutory provisions, the terms of the IFA are given a preferred status over all other federal and territorial laws within the defined ISR in the Western Arctic.

The IFA provides the basis of the jurisdiction of the EIRB to review WesternGeco's "WesternGeco Mackenzie Delta River 2D Seismic Program 2002" (the Development).

1.2 Mandate of the EIRB

Under the IFA the Development is a "development" within the meaning of section two and, as such, was subject to screening by the EISC, pursuant to the provisions of sections 11 and 13 of the IFA. IFA subsections 11(16) and 13(10) authorize the EISC to refer the development to the EIRB for a public review and environmental impact assessment if the EISC determines that the development could have significant negative environmental impact, or negative impact on present or future wildlife harvesting.

On June 18, 2002, the EISC Panel, constituted to screen WesternGeco's Development, decided "*the development could have significant negative impacts on the environment or Inuvialuit wildlife harvesting in the Inuvialuit Settlement Region and is subject to assessment and review under the Inuvialuit Final Agreement [IFA s. 11 (13)(b)]*".

By a letter dated June 20, 2002, William Klassen, Chair of the EISC, informed Robert Hornal, Chair of the EIRB, of the EISC Panel's June 18, 2002, decision.

1.3 Procedures of the EIRB

The EIRB has enacted By-Law No. 1 and published its *Operating Procedures* dated June 18, 2001, pursuant to the powers given to it by subsection 11(23) of the IFA to establish and adopt by-laws and rules for its internal management and procedures. Together with the IFA, these documents contain the rules and guidelines that constitute the procedures of the EIRB.

1.4 The Review Process

In accordance with subsection 12.4 of the *Operating Procedures*, the Secretary to the EIRB issued a Public Notice of Referral dated June 24, 2002, to the News/North and

Inuvik Drum newspapers (Appendix A). The notice announced the referral of WesternGeco's Development to the EIRB and invited individuals and/or organizations to become Registered Participants. A list of Registered Participants is provided in Appendix B. The Secretary distributed all documents submitted by WesternGeco and all written comments from Registered Participants to all other parties and Registered Participants.

In a letter, dated June 26, 2002, a request was made by WesternGeco to have the Development put on hold status effective that day. The EIRB allowed the Development to be put on hold in order to allow WesternGeco to conduct exploratory testing during the summer of 2002. A letter was received by the EIRB, from WesternGeco, on November 25, 2002, requesting that the hold status be removed from the Development and to resume the review process. The EIRB, then, recommenced its review of the Development.

The EIRB retained Bill Griffiths, an Aquatic Biologist with 25 years experience with fisheries in the Beaufort Sea, as Technical Advisor and Debra Fendrick of Austring, Fendrick, Fairman & Parkkari as Legal Counsel.

In addition, the Joint Secretariat, which provided administrative services to the Panel, retained Barbara Berg as the Environmental Impact Assessment - Resource Person Assistant and Myrna Button as the Procedures Clerk. These individuals, along with Jonathan W. Allen, the EIRB Secretary, made up the Panel's staff for the public review.

On January 7, 2003, the EIRB received a document entitled "WesternGeco Mackenzie Delta Marine 2D Seismic Program 2003" from WesternGeco as their draft Environmental Impact Statement (EIS), in accordance with the *Operating Procedures*.

The *Operating Procedures* permit the EIRB, at its discretion, to determine whether the proposed development may be treated as a "Small Scale Development" (SSD) or as a development requiring a "Standard Public Review" (SPR).

At its meeting on February 6, 2003, the EIRB considered the criteria in subsection 13.1 of its *Operating Procedures* and decided that the Development should be directed into the SSD review procedure, subject to certain variation, under sections 13 and 15 of the *Operating Procedures*.

The *Operating Procedures* call for the Chair of the EIRB to select a Review Panel once the EIRB accepts the EIS. The Review Panel is to include the Chair, two EIRB Members appointed by the Inuvialuit Game Council, one EIRB Member nominated by the Government of Canada and one EIRB Member nominated by the Government of the Northwest Territories or the Government of Yukon.

On February 6, 2003, the EIRB accepted WesternGeco's EIS as suitable for use under the SSD review procedure. At the same time, the Chair appointed the following Members as the Review Panel for the review of this Development:

Robert Hornal - Chair
Peter Bannon
Richard Binder
Tom Butters
Herbert Felix

Once designated, the Panel conducted the Public Review and represented the EIRB for the purposes of the Review. Public meetings for the review were scheduled as follows:

April 14, 2003 - Aklavik, NT
April 15, 2003 - Tuktoyaktuk, NT
April 16, 2003 - Inuvik, NT

A list of residents attending each public meeting, is included in Appendix C of this report.

In addition to the public meetings, a technical session involving representatives from the Developer, Regulators and Registered Participants was held in Inuvik on April 16, 2003.

2.0 JURISDICTION OF THE EIRB

2.1 Decision Making Powers of the EIRB

In reaching its decision on any proposal properly brought before it, the matters which the EIRB must decide are set out in the IFA.

The fundamental duty of the EIRB is set out in section 11(24) of the IFA which states:

“The Review Board shall expeditiously review all projects referred to it and on the basis of the evidence and information before it shall recommend whether or not the development should proceed and, if it should, on what terms and conditions, including mitigative and remedial measures. The Review Board may also recommend that the development should be subject to further assessment and review and if so, the data or information required.”

In this case, the EISC referred the proposed Development to the EIRB, in part because the EISC determined that the Development could impact on traditional Inuvialuit harvesting of fish from the Mackenzie River and/or channels. As a result, the EIRB in making its decision under section 11(24) of the IFA must necessarily consider the requirements set out in section 13(11) of the IFA.

Section 13 of the IFA , in general, deals with wildlife compensation in the event of a development’s negative impact on harvesting.

The objectives of section 13 of the IFA are as follows:

- (a) to prevent damage to wildlife and its habitat and to avoid disruption of Inuvialuit harvesting activities by reason of development; and
- (b) if damage occurs, to restore wildlife and its habitat as far as is practicable to its original state and to compensate Inuvialuit hunters, trappers and fishermen for the loss of their subsistence or commercial harvesting opportunities.

It should also be noted that the IFA defines wildlife as meaning

“All fauna in a wild state other than reindeer.”

IFA subsection 13(11) specifically provides that:

“Where, pursuant to subsection (10), a proposal is referred to the Review Board, it shall, on the basis of the evidence and information before it, recommend to the government authority empowered to approve the proposed development:

- (a) terms and conditions relating to the mitigative and remedial measures that it considers necessary to minimize any negative impact on wildlife harvesting; and
- (b) an estimate of the potential liability of the developer, determined on a worst case scenario, taking into consideration the balance between

economic factors, including the ability of the developer to pay, and environmental factors."

Liability for damage is defined in IFA subsection 13(15) which in part reads:

"Where it is established that actual wildlife harvest loss or future harvest loss was caused by development, the liability of the developer shall be absolute and he shall be liable without proof of fault or negligence for compensation to the Inuvialuit and for the cost of mitigative and remedial measures..."

"actual wildlife harvest loss" means:

"provable loss or diminution of wildlife harvesting, or damage to property used in harvesting wildlife, or both" , and

"future harvest loss" means:

"provable damage to habitat or disruption of harvestable wildlife having a foreseeable negative impact on future wildlife harvesting" [IFA subsection 13(8)]."

To clarify, in exercising its decision-making powers, the EIRB *recommends* whether or not the development should proceed. However, the final decision always rests with the appropriate government authority. In certain cases, more than one such authority may be involved.

If the competent government authority is unwilling or unable to accept the EIRB's recommendations, or wishes to modify any of them, reasons must be made public in writing within 30 days of the decision [IFA subsection 11(29)]. Nevertheless, the IFA provides that no licence or approval shall be issued by a government authority that would permit any proposed development to proceed unless the provisions of the Environmental Impact Screening and Review Process under the IFA have been complied with [IFA subsection 11(31)].

2.2 The EIRB's Interpretation of its Mandate

Subsection 3.1 of this document describes the decision-making powers of the EIRB. The EIRB recommends the approval or rejection of the development and, if approval is recommended, prescribe terms and conditions on which it may proceed.

In particular, IFA subsection 13(11)(a) requires the EIRB to specify terms and conditions that it considers necessary to minimize any negative impacts on wildlife harvesting. IFA subsection 13(11)(b) requires the EIRB to provide an estimate of the potential liability of the developer.

While the EIRB is mandatorily required to provide recommendations on certain aspects of any proposed development, the factors which the EIRB should consider in reaching its conclusions are not set out. The EIRB must determine the factors for its consideration in each proposal brought before it for review.

To determine these factors, the EIRB considers the principles set out in section 1 of the

IFA:

- (a) "to preserve Inuvialuit cultural identity and values within a changing northern society;
- (b) to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and
- (c) to protect and preserve the Arctic wildlife, environment and biological diversity."

and the relevant sections of the IFA, and in particular, with respect to wildlife harvesting, the objectives set forth in subsection 13(1) of the IFA which, again, are as follows:

- (a) "to prevent damage to wildlife and its habitat and to avoid disruption of Inuvialuit harvesting activities by reason of development; and
- (b) if damage occurs, to restore wildlife and its habitat as far as it is practicable to its original state and to compensate Inuvialuit hunters, trappers and fishermen for the loss of their subsistence or commercial harvesting opportunities."

The EIRB notes the order in which these objectives are stated. Clearly, the intention is that priority be given to preventing damage and avoiding disruption of harvesting. Paragraph (b) is intended to apply to provide compensation only if mitigative and remedial measures fail to prevent damage and disruption.

The EIRB interprets its mandate in this review to mean that in deciding to recommend whether or not the development should proceed, its first responsibility is to assess whether the potential adverse impacts of a development on wildlife and its habitat are within acceptable limits of risk. If the EIRB concludes that such risks are not acceptable, it must reject the application. If it considers that the risks are acceptable, the EIRB must specify terms and conditions that, so far as practicable, will mitigate and remedy the damage and disruption. Finally, because compensation is payable for loss of wildlife harvesting under the legal liability provisions of IFA [subsection 13(15)], the EIRB is required to estimate the potential liability of the developer.

2.3 Assessment of Risk

When assessing impacts of WesternGeco's Development, the Panel evaluated the severity of the identified negative impacts based on the information filed and the evidence presented at the public meetings. Considering the mitigative and remedial measures that it would recommend for the Development, the Panel judged whether the negative impacts, individually or collectively, were within acceptable levels of risk.

In deciding whether the risks associated with a development are acceptable, the EIRB must apply some standard or test, the results of which the EIRB can use to approve or reject the development. With respect to the estimate of potential liability, the IFA says that the test by which liability should be measured should be a "worst case scenario" [IFA subsection 13(11)(b)]. However, as to the more fundamental question of approval or rejection of the development proposal, the IFA is silent as to what test should be

applied.

In previous reviews, the EIRB considered a “probable scenario” as a legitimate test by which to judge whether negative impacts can be minimized to acceptable levels by mitigative and remedial measures. The result is a less stringent test than the worst case scenario and this approach is adopted by the Panel for the purpose of this review.

The less stringent standard says that development risks are acceptable where the more probable scenario establishes that negative impacts can be minimized. To be certain, should the worst case scenario occur, there would be in place a guarantee of financial responsibility to ensure that everything possible would be done to mitigate losses to, and to restore, wildlife and wildlife habitat.

3.0 DESCRIPTION OF THE DEVELOPMENT

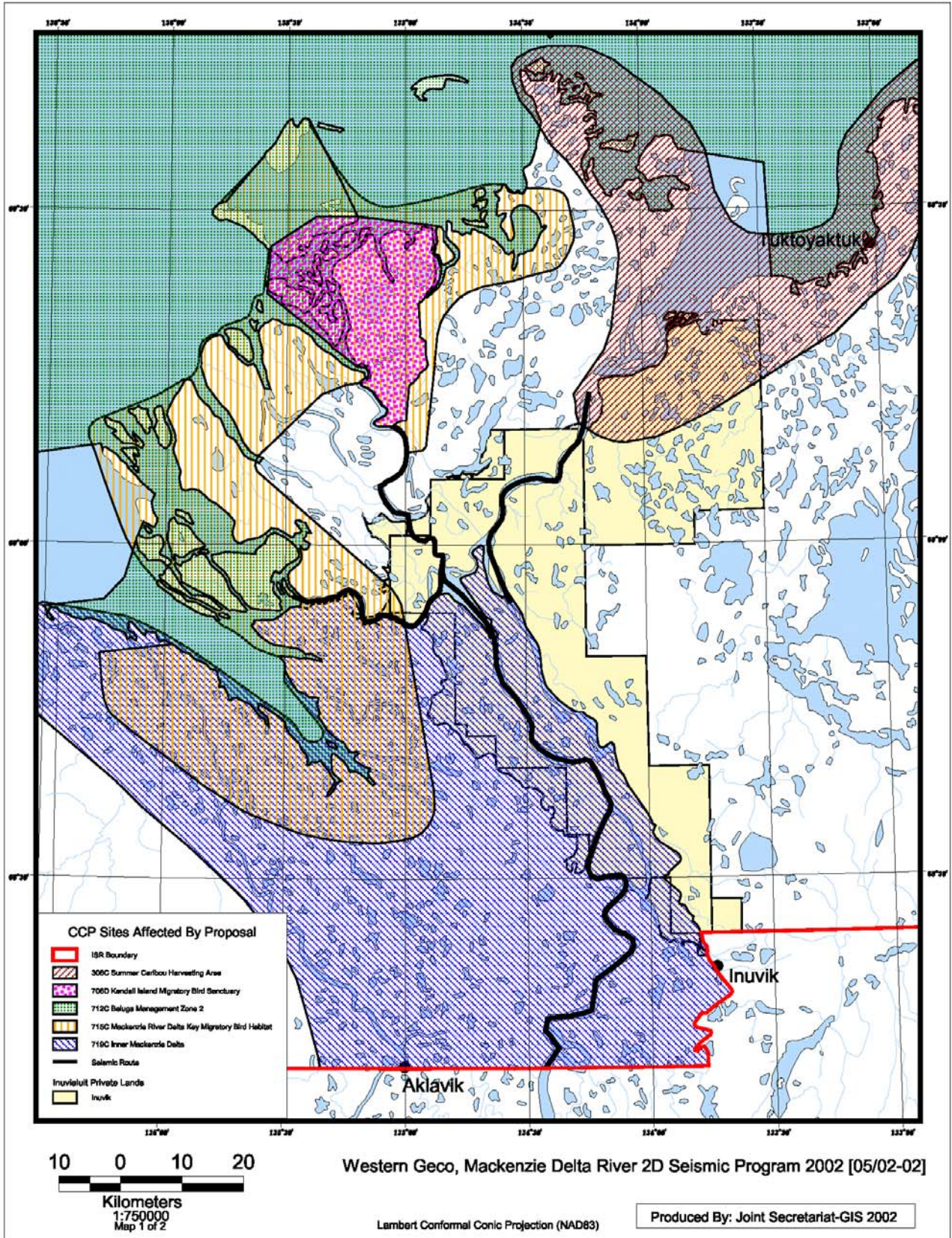
This Development proposes to acquire two dimensional (2D) seismic data under sections of the Middle Channel, Reindeer Channel and East Channel of the Mackenzie River. The Development length in the Delta will be 275 km (see Figure 1 on page 13). A Northern Transportation Company Limited (NTCL) tug, the Henry Christoffersen, will tow a 1500 inch³ airgun array which will be fired at ten second intervals to provide an energy source. The vessel will also tow a solid streamer cable, up to two km long, equipped with recording hydrophones. The source and recording equipment will be the same as that utilized during the 2002 Test Program conducted by WesternGeco. A fuel barge and accommodations barge will also be attached to the tug.

The tug and barges will be accompanied by at least two smaller support craft which will be used by wildlife monitors. One craft will be positioned two km ahead of the tug. The other craft will be positioned two km behind the tug. Monitors will lead and follow the survey procession along the proposed length of the river. Monitors in the lead craft will interact with fish camps and other river traffic as well as watch for debris in the river and for signs of wildlife. The monitors in the boat following the tug will be looking for evidence of fish kill. Other monitors, reporting to the communities, will patrol the river in their own boats looking for impacts of the Development before, during and after the survey boat passes their community and will contact local fishermen in order to ascertain whether they have experienced any change in their fish harvests.

The boats will proceed upriver at a speed of about one knot.

Operations are scheduled to commence in August or early September and would last about 12 days.

The operation will take place in the deepest part of the river. There will be two 18 m long strings of eight airguns, some 17 m apart. The hydrophone cable will be suspended at between three and five m below the top of the water, depending on river depth and the water velocity. The airguns will be towed at 2.5 m below the top of the water.



4.0 IMPACTS ON FISH

4.1 Views of the Developer

The Developer originally planned to carry out this Development during the summer of 2002. The Development was referred to the EIRB primarily because of the possible impact of the seismic survey on fish in the Mackenzie River and on the fishery. The Developer, in order to assess these impacts, carried out a series of tests during July and August of 2002.

As a result of these tests the Developer believes that:

- there will be no short-term mortality or physiological abnormalities caused by the noise from the airguns;
- impacts on fish hearing as a result of the Development will be negligible;
- impacts to fish eggs and larvae, as a result of the Development, will be negligible;
- the Development will have a minimal effect on the behaviour of fish within the Mackenzie River and Delta channels;
- interference with upstream migration of fish in the Mackenzie Delta will be minimal;
- there will be no 'herding' of fish by the seismic vessel.

To ensure this low level of impact the Developer proposes:

- to ramp up the airgun array each time it begins to operate;
- to use an air gun array proven by testing to be appropriate in size for the records to be collected;
- to shut down the array frequently for repair and maintenance;
- to conduct the survey before there are large upstream migrations of whitefish;
- to travel in the deepest portion of the channels;
- to utilize a monitoring program similar to that undertaken in the 2002 Test Program;
- to only operate when the visibility is sufficient to allow the monitor's to do their job effectively;
- to suspend the Development, pending discussions with DFO or RWED-GNWT representatives, should 10 or more stunned fish be observed within one hour, or any dead fish or wildlife, or any injured wildlife be observed in the wake of the Development. Resumption of the Development will be dependent on the results of those discussions and the circumstances leading to the injuries or mortalities.

The Developer stated during the Review that it would prefer to obtain a continuous line of data rather than shut down in areas of the river where fish concentrate.

4.2 Views of the Registered Participants

The Gwich'in Renewable Resource Board (GRRB) representatives informed the Panel that studies they had done on the Peel River fishery showed that broad whitefish were present in the river from July through November. They noted that the peak period of the migration occurs in late October and early November but some fish do move

upstream as early as July. It is not possible to say when the fish start to concentrate.

The GRRB, DFO and the Fisheries Joint Management Committee (FJMC) representatives regretted that whitefish were not used in the caged fish tests done in 2002. It is possible whitefish could be more sensitive to sound than the other species used in the tests. DFO representatives stated that it would like to conduct tests on whitefish if the Development is authorized to proceed this summer (2003).

DFO representatives indicated that the month of August was the best time for the Development to proceed in order to reduce the impacts on fish. DFO representatives believe that, should the survey in the Delta proceed in September, the East Channel portion should be done first as it is a key area for fish at that time of year. DFO representatives also noted that if the survey was to be conducted in July, it would increase the possibility that the Development could disturb the beluga and the beluga harvesters.

The DFO and FJMC representatives believe that the study done to identify evidence of 'herding' was not conclusive. They noted that should the array shut down regularly, any fish being 'herded' would be able to move away from the vessels. DFO representatives suggest that another option to mitigate impacts on fish is to shut down the array in the one km on either side of fish concentrations or when approaching areas where fish are known to concentrate. The mouth of Holmes Creek and Horseshoe Bend are two such places.

The technical expert for the FJMC cautioned all parties that impacts on hearing may take longer than 48 hours to be observable. He noted that, in other studies where fish were held for observation for longer periods of time, damage to the hearing of caged fish from an airgun has been observed.

4.3 Views of the Public

Very few members of the public attended the Panel's public meetings. This was, in part, because of other scheduled events in the communities during the week of the Panel's meetings. However, the Panel is of the view that the low public turnout indicates the community members of Aklavik, Tuktoyaktuk and Inuvik are not overly concerned about the Development. The Panel notes that the minutes of the meetings between the Developer and the HTC's of Aklavik, Tuktoyaktuk and Inuvik held in early 2003 reflect general satisfaction with the results of the Developer's 2002 Test Program and the Developer's proposed mitigative measures.

The Inuvik HTC, in a letter to the FJMC, asked whether the effects of blasting could burst the air bag of the fish, causing them to sink to the bottom and thus make injured or dead fish undetectable to monitors. The Panel asked its technical advisor if this was to happen how would the monitors detect the dead fish. The technical advisor responded that the rise and fall sequence of the sound wave is dampened if an air gun array is used instead of explosives and so if a fish's air bladder was damaged from the sound of an airgun array it would more likely split open rather than rupture with violent force. The loss of air would be slower in this case and some fish would likely retain sufficient buoyancy to float to the surface before sinking sometime later.

An elder in Aklavik is quoted, by the Developer, as saying "Well if there were any dead fish, you'd see seagulls pretty abundant". As the monitors saw no seagulls gathering

behind the Test Program boats while the airguns were working, this was taken as evidence of the lack of dead or stunned fish in the water.

4.4 Views of the Technical Advisor

It was the view of the Panel's technical advisor that, given the ability of fish to swim away from a sound source and the low likelihood of having a fish encounter with the airgun array, the possibility of negative impacts on the fish populations in the Mackenzie River should be very low to non-existent. He favours early August as a time to conduct the survey in the Delta.

4.5 Findings of the Panel

After a careful review of the evidence before it, particularly the result of WesternGeco's 2002 Test Program, the views of the Panel's Technical Advisor and the lack of concern expressed by residents of the communities, the Panel recommends that the Development proceed with the mitigative measures proposed by the Developer.

To ensure that any impacts of the Development are minimized, the Panel recommends:

- that, as the Developer suggested, the survey be carried out in early August, but that it be allowed to extend into late August if circumstances prevent it from being undertaken earlier;
- that the lead scout boat be equipped with a broad beam fish finder and that, in the vicinity of locations identified by DFO representatives as being known concentration spots for fish (Holmes Creek and Horseshoe Bend), the lead scout boat determines whether, at the time of the seismic survey, fish have concentrated there. If a concentration of fish is detected, the air gun array should be shut down one km before the concentration and not be ramped up until the array is one km past the concentration;
- that guidelines be developed and incorporated into the instructions for monitors to effectively implement the previous recommendation. The guidelines should include a threshold which would serve to determine what is a fish concentration to avoid.

5.0 MONITORING

5.1 Views of the Developer

WesternGeco acknowledged the importance of the monitoring program. In the 2002 Test Program, WesternGeco employed nine wildlife monitors who worked alternate 10 to 12 hour shifts on the main and two smaller vessels used by WesternGeco (vessel-based monitors). There were two monitors and a coxswain (boat operator) in each of the smaller boats that operated ahead and behind the main vessel.

In 2002, WesternGeco hired community-based monitors who were responsible for travelling along the route to talk to anyone occupying a camp, to explain the Development to them and record any sightings and activities taking place at that time. These monitors operated before and after the Development start-up and conclusion in the various settlement regions.

WesternGeco indicated that for the 2003 Development, if approved, it will double the number of community-based monitors for safety reasons (each boat would have two monitors).

WesternGeco has also agreed that the monitors will have access to their communication network when required. WesternGeco will provide inter-vessel communication for vessel-based monitoring. The community-based monitors will report directly to the community.

5.2 Views of the Registered Participants and Public

The IGC indicated, by letter, that the community-based monitors should be reporting directly to the IGC, through the HTC's, and should the monitor hear or see anything, that the communication be immediate.

The IGC also indicated that WesternGeco should communicate directly with the cabin owners along the Mackenzie River.

Inuvialuit groups place a very high priority on the monitoring program. They prefer that the community-based monitors be hired by the community, i.e. the HTC's rather than the Developer.

Some HTC members felt that the monitors should be briefed/trained on their job requirements and reporting responsibilities.

5.3 Views of the Technical Advisor

The Panel's technical advisor raised a concern about the two km between the main vessel and the smaller monitoring vessel trailing it. He recommended that the vessel-based monitor should be looking back to record any observations, i.e. surfacing fish or presence of seagulls as an indicator of dead fish, which might be missed by the monitoring vessel two km behind.

5.4 Findings of the Panel

The Panel is of the view that WesternGeco has responded positively to concerns related

to the monitoring program by agreeing to have the community-based monitors work in pairs for safety reasons and agreeing to work closely with the appropriate HTC to select the monitors.

The Panel recommends that:

- the monitor on the main vessel check frequently behind the vessel for indications of stunned or dead fish;
- the monitors have access to direct communication to the appropriate HTC/IGC when they deem necessary;
- WesternGeco communicate, by means of a letter in advance of the Development, with all of the cabin owners along the proposed routes to advise them of the Development and its timing;
- DFO be permitted to have an observer on board the vessel for the duration of the Development.

6.0 IMPACTS ON OTHER WILDLIFE

6.1 Views of the Developer

The Developer reports that, although no marine mammals were encountered during the 2002 Test Program, there is the possibility of the noise from the Development to negatively impact seals and beluga, should the animals be in close proximity to the ship. To avoid these negative impacts WesternGeco plans to ramp up its airgun array and to shut down should a marine mammal be sighted within 1000 m of the ship.

Similarly, the Developer states that semi-aquatic mammals such as beaver, mink and otters could be negatively impacted by the noise from the Development. No semi-aquatic mammals were encountered during the Test Program. The Developer proposes to shut down the air gun array if a semi-aquatic mammal is spotted within 1000 m of the ship.

The 2002 wildlife monitoring program found no detectable difference in behaviour for waterfowl and gulls/terns when the array was operating and when it was not operating and no observed effect on behaviour of terrestrial wildlife. The Developer has selected its proposed routes to avoid entering the Kendall Island Migratory Bird Sanctuary.

6.2 Views of the Registered Participants

A representative from the Department of Renewable Resources and Economic Development indicated at the Technical Session (Inuvik, NT, on April 16, 2003) that the Department had "no concerns to bring to this meeting".

6.3 Views of the Public

No views were expressed.

6.4 Views of the Technical Advisor

No views were expressed.

6.5 Findings of the Panel

The Panel accepts that the mitigative measures proposed by the Developer, i.e. the 1000 m shut down provision and the ramping up procedure of the airgun array, will be adequate to minimize any negative impact from the Development on marine mammals, semi-aquatic mammals, birds and terrestrial mammals.

7.0 IMPACTS ON HARVESTING

7.1 Views of the Developer

The Developer believes, as a result of the monitoring program carried out during the Test Program in the summer of 2002, that the potential impact on fish harvesting will be low.

7.2 Views of the Registered Participants

The GRRB representatives expressed concern that the Development could impact the broad whitefish population using the Delta during August.

7.3 Views of the Public

No views were expressed.

7.4 Views of the Technical Advisor

The technical advisor notes that one of the most important observations of the 2002 Test Program was that, during consultations with the local residents, no one reported that there had been any noticeable changes in their fishing success during or after the seismic survey.

7.5 Findings of the Panel

The Panel accepts that the Development will not seriously impact the harvesting of fish in the Mackenzie Delta because of the extensive monitoring program that is an integral part of the Development.

8.0 WORST CASE SCENARIO

8.1 Views of the Developer

Section 13(11) of the IFA requires the EIRB to establish limits of liability for the Development, determined on a worst case scenario, taking into account the balance between economic factors, including the ability of the Developer to pay, and environmental factors. WesternGeco proposed a worst case scenario in its EIS, whereby a work barge would accidentally ground itself and spill its diesel fuel. At public and technical meetings held in Tuktoyaktuk and Inuvik on April 15 and 16, 2003, the worst case scenario was further discussed, and as a result, was further defined to assume that:

- the grounding would occur around Point Separation;
- a maximum of 1400 m³ of diesel fuel would spill;
- about half of the diesel fuel would evaporate and the remainder would be mixed in the water column of the Mackenzie River;
- residents would avoid consuming fish from the river because of the perception that the fuel would taint the fish; and
- a loss of harvesting of whitefish and inconnu during August and for the remainder of that fishing season would result.

8.2 Views of the Registered Participants and the Public

At the Inuvik meeting, a representative of the FJMC suggested that impacts on the harvesting of beluga whale might also be considered if the spill occurred in July.

Evidence provided through the Inuvialuit Harvest Study data for Aklavik, Tuktoyaktuk and Inuvik indicated average annual broad whitefish and inconnu harvest levels over the period of 1995-2000, for the period of August to December, were 10776 and 2358 fish, respectively.

While discussion at the public meetings did not indicate that a significant trade in fish has existed in recent years, sources of information on the prices of fish for the species under consideration were identified. These included RWED-GNWT, the IGC, the HTCs and the Inuvialuit Regional Corporation (IRC), which have sold whole and dried whitefish in the past.

No objections were expressed at the public and technical meetings by WesternGeco, the registered participants or the public to the Panel using these sources.

8.3 Findings of the Panel

The Panel is required to estimate the potential liability of the Developer for the impacts of the Development, based on a worst case scenario. The Panel believes the worst case scenario, dealing with the grounding of a work barge and the spillage of diesel fuel into the Mackenzie River, is appropriate for this particular Development, although it also recognizes the low probability. The Panel also believes that the loss of fish harvesting should be included, recognizing the lower probability of this occurring. The Panel considered the potential for an impact on beluga harvesting and felt that it would be negligible because the time of the spill is presumed to be in August. The Panel accepts

the average fish harvesting data as a reasonable measure for loss of fish harvest. The Panel also accepts the figure of \$25.00 per fish, acquired from the 1987 Wildlife Compensation Agreement between the IGC and Gulf Canada Resources Limited, and updated for inflation, as a reasonable measure to estimate the value of the loss.

The Panel estimates that should the worst case scenario come to pass, the fish harvesting loss for the Inuvialuit for broad whitefish and inconnu would be \$328,350. [(10776 + 2358) x \$25] The Panel notes that this figure does not take into account the cultural loss associated with the fish harvest.

Based on the evidence of insurance provided by the Developer, the Panel accepts that the Developer would have the ability to compensate for actual or future wildlife harvest loss should the worst case scenario take place.

9.0 ALTERNATIVES

9.1 Views of the Developer

The Developer has examined several alternative methods of collecting equivalent seismic data including reducing the size of the airgun array, altering the depth of the array, adding a bubble curtain, using a marine vibrator and conducting a land-based survey. The Developer demonstrated that each alternative would either provide inadequate data or increase the negative impacts of the Development.

9.2 Views of the Panel

The Panel accepts the reasoning of the Developer.

10.0 CUMULATIVE EFFECTS

Cumulative environmental effects result from the combination of environmental effects from a number of different developments and/or activities. In determining possible cumulative effects, the Canadian Environmental Assessment Agency (CEAA) recommends that three basic premises be considered.

1. There must be an environmental, biophysical, social or cultural impact related to the Development.
2. The effect must be demonstrated to operate cumulatively, additively or synergistically with impacts from other projects or activities.
3. The other projects or activities exist or are likely to be carried out and are not hypothetical.

10.1 Views of the Developer

The Developer recognizes that there is the potential for negative cumulative effects regionally on fish, and locally on marine and semi-aquatic mammals, terrestrial wildlife and land use due to the combination of the noise generated by the Development with the noise generated by regular marine traffic in the Mackenzie Delta. These effects will be of low to negligible consequence.

The Developer believes that there could be a positive cumulative effect to the regional economy as a result of the Development.

10.2 Views of the Registered Participants

No views were expressed.

10.3 Views of the Public

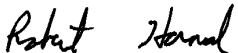
No views were expressed.

10.4 Views of the Technical Advisor


No views were expressed.

10.5 Findings of the Panel

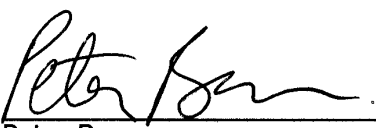
The Panel accepts the views of the Developer that the cumulative impacts of this Development will be of low to negligible consequence.




Robert Hornal
Chairman




Herbert Felix
Member



Peter Bannon
Member



Tom Butters
Member



Richard Binder
Member

Dated 5th of May, 2003.

APPENDIX A

PUBLIC NOTICE OF REFERRAL

DATED AT INUVIK, NORTHWEST TERRITORIES
JUNE 24, 2002

On June 20th, 2002 the Environmental Impact Screening Committee (EISC) referred the development proposal known as **WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002** to the Environmental Impact Review Board (EIRB) for Public Review. This Public Review is being held pursuant to the Inuvialuit Final Agreement (IFA) which has been approved, given effect, and declared valid by the Western Arctic (Inuvialuit) Claims Settlement Act, being Chapter 24 of the Statutes of Canada 32 -33, Elizabeth II (1984).

The purpose of this review is to assess the potential environmental effects of the proposed operation and, as well, for the EIRB to recommend whether or not the development should proceed and, *if it should*, under what terms and conditions— including mitigative and remedial measures. The Review Board may also recommend that the development should be subject to *further* assessment and review and, if so, the data or information required. [IFA 11.(24)]

The Environmental Impact Review Board invites organizations, government agencies, and members of the public to participate in the review and to make submissions to the Review Board concerning these matters.

Individuals and/or organizations that intend to make submissions should register by letter with the Secretary of the Environmental Impact Review Board.

Registered Participants will be placed on a mailing list, and thereafter will receive all documents designated for distribution, including the Developer's environmental impact statement (EIS), subsequent notices, procedural rulings, and other written submissions.

Registered Participants may take part in the public review via their written submission or, in the event of a public forum, by sending a delegation. If a public forum is held, individuals and organizations that do not register an intention to participate may make oral submissions after Registered Participants have been heard.

Anyone wishing further information concerning this public review, or who would like a copy of the Environmental Impact Review Board's Operating Procedures should contact:

Jonathan W. Allen, Secretary
Environmental Impact Review Board
Joint Secretariat Inuvialuit Renewable Resources Committees
PO Box 2120, Inuvik, Northwest Territories
XOE 0T0
Telephone: (867) 777-2828
Fax: (867) 777-2610

APPENDIX B**REGISTERED PARTICIPANTS LIST****WESTERNGECO MACKENZIE DELTA MARINE 2D
SEISMIC PROGRAM 2003**

REVISED April 4, 2003

NAME	ADDRESS	PHONE #	FAX #
Pete Cott	Area Habitat Biologist Dept. of Fisheries and Oceans PO Box 1781 Inuvik, NT X0E 0T0	(867) 777-7520	(867) 777-7501
Alan Ehrlich	Mackenzie Valley Environmental Impact Review Board 5102-50th Avenue Yellowknife, NT X1A 2N7	(867)-766-7050	(867)-766-7074
Gavin More	Resources, Wildlife & Economic Development 600, 5012-50th Avenue Yellowknife, NT X1A 2L9	(867)-920-8071	(867)-873-4021
Ron Morrison	Regional Superintendent RWED-GNWT Bag Service #1 Inuvik, NT X0E 0T0	(867) 777-7286	(867) 777-7321
Bob Bell	Joint Secretariat PO Box 2120 Inuvik, NT X0E 0T0	(867) 777-2828	(867) 777-2610
Kevin Bill	Joint Secretariat PO Box 2120 Inuvik, NT X0E 0T0	(867) 777-2828	(867) 777-2610
Duane Smith	Joint Secretariat PO Box 2120 Inuvik, NT X0E 0T0	(867) 777-2828	(867) 777-2610
Nelson Perry	Joint Secretariat PO Box 2120 Inuvik, NT X0E 0T0	(867) 777-2828	(867) 777-2610
Alisha Chauhan	Joint Secretariat PO Box 2120 Inuvik, NT X0E 0T0	(867) 777-2828	(867) 777-2610
Barbara Berg	Environmental Impact Assessment-Resource Person Joint Secretariat PO Box 2120 Inuvik, NT X0E 0T0	(867) 777-2828	(867) 777-2610

Mieke Vander Valk	Environmental Specialist National Energy Board 444-7th Avenue SW Calgary, AB T2P 0X8	(403) 292-5048	(403) 292-5876
Chris Alway	Joint Secretariat PO Box 2120 Inuvik, NT X0E 0T0	(867) 777-2828	(867) 777-2610
Rudy Cockney	District Manager DIAND - Inuvik District Office PO Box 2100 Inuvik, NT X0E 0T0	(867) 777-3361	(867) 7777-2090
Julie Dahl	Dept. of Fisheries and Oceans 101, 5204 - 50 th Avenue Yellowknife, NT X1A 1E2	(867) 669-4911	(867) 669-4940
Peter Clarkson	Executive Director Gwich'in Renewable Resource Board PO Box 2240 Inuvik, NT X0E 0T0	(867) 777-3429	(867) 777-4260
Eric Yaxly	Environment Scientist Environment Conservation DIAND PO Box 1500 Yellowknife, NT X1A 2R3	(867) 669-2569	(867) 669-2701
Aileen Horler	Wildlife, Mgt. Advisory Council North Slope PO Box 31539 Whitehorse, YT Y1A 6K8	(867) 633-5476	(867) 633-6900
Lindsay Staples	Wildlife, Mgt. Advisory Council North Slope PO Box 31539 Whitehorse, YT Y1A 6K8	(867) 633-5476	(867) 633-6900
Jennifer Walker-Larson	Gwich'in Renewable Resource Board PO Box 2240 Inuvik, NT X0E 0T0	(867) 777-3429	(867) 777-4260
Elaine Blais	Environment Scientist DIAND PO Box 1500 Yellowknife, NT X1A 2R3	(867) 669-2591	(867) 669-2701
Brian Woods	Mackenzie Gas Project/ Imperial Oil Resources Ltd. 237-4Th Avenue S. W. PO Box 2480 Station "M" Calgary, AB T2P 3M9	(403) 815-3795	(403) 237-2102

Ed McLean	Ecosystem Secretariat Manager Parks Canada Western Arctic Field Unit PO Box 1840 Inuvik, NT X0E 0T0	(867) 777-8818	(867) 777-8820
Matthew Litvak	University of New Brunswick PO Box 5050 Saint John, NB E2L 4L5	(506) 648-5508	(506) 648-5811
Bill Griffith	EIRB Technical Advisor LGL Ltd. 9768-2nd Street Sydney, BC V8L 3Y8	(250) 656-0127	(250) 655-4761
Mary Griffiths	Environmental Policy Analyst Pembina Institute for Appropriate Development 11723 - 83 rd Avenue Edmonton, AB T6G 0V2	(780) 433-6675	(780) 433-6675
Wade Romanko	Environment Protection Branch Environment Canada 5204-50th Avenue Yellowknife, NT X1A 1E2	(867) 669-4736	(867) 873-8185
Mike Preston	Project Leader, Beaufort Sea Conservation WWF - Canada, Arctic Program 20 Mackenzie Road PO Box 2860 Inuvik, NT X0E 0T0	(867) 678-2648	(867) 777-2837
Paul Voudrach	Chairman Tuktoyaktuk Hunters & Trappers Committee PO Box 286 Tuktoyaktuk, NT X0E 1C0	(867) 977-2457	(967) 977-2433
Derek Melton	IMG Golder 10 th Floor 940, 6 th Avenue SW Calgary, AB T2P 3T1	(403) 299-5696	(403) 299-5606
Keith Rosindell	WesternGeco Suite 2300 645 - 7th Avenue SW Calgary, AB T2P 4G8	(403) 509-4660	(509) 694-2878

APPENDIX C

ATTENDANCE AT PUBLIC HEARINGS

April 14, 2003 - Aklavik, NT

Robert Buckle-Aklavik EGC

April 15, 2003 - Tuktoyaktuk, NT

Ernest Cockney

Charles Gruben

Max Kotokak - FJMC

James Thorbourne - Inuvialuit Land Administration (ILA)

April 16, 2003 - Inuvik, NT

No attendees

APPENDIX D

LIST OF ACRONYMS USED IN THIS DOCUMENT

Acronym	Meaning
2D	2 dimensional
CEAA	Canadian Environmental Assessment Association
DFO	Fisheries and Oceans Canada
DIAND	Department of Indian Affairs and Northern Development
EC	Environment Canada
EIRB	Environmental Impact Review Board
EIS	Environmental Impact Statement
EISC	Environmental Impact Screening Committee
FJMC	Fisheries Joint Management Committee
GRRB	Gwich'in Renewable Resources Board
HTC	Hunters and Trappers Committee
IFA	Inuvialuit Final Agreement
IGC	Inuvialuit Game Council
IHTC	Inuvik Hunters and Trappers Committee
ILA	Inuvialuit Land Administration
INAC	Indian and Northern Affairs Canada
inch ³	cubic inch
IRC	Inuvialuit Regional Corporation
ISR	Inuvialuit Settlement Region
km	Kilometre
m	Metre
NEB	National Energy Board
NT	Northwest Territories
NTCL	Northern Transportation Company Limited
RWED-GNWT	Department of Resources, Wildlife and Economic Development- Government of the Northwest Territories
SAO-JS	Senior Administrative Officer - Joint Secretariat

SPR	Standard Public Review
SSD	Small Scale Development
SW	South West

APPENDIX E

CHRONOLOGICAL RECORD of the PUBLIC ENVIRONMENTAL REVIEW OF **WESTERNGECO MACKENZIE RIVER DELTA 2D PROGRAM 2002**

	REC'D.	SENT	DATED	FORM	FROM	TO	SUBJECT
1.			May. 16, 2003	letter	EISC (Linda Graf)	B. White - WesternGeco, EIRB	Decision of Screening Panel and 7 enclosed documents concerning the Development
2.	June 20, 2002		June 20, 2002	Submission No: 05/02- 02	EISC (Bill Klassen)	Robert Hornal- EIRB cc (excluding enclosures) Baker-NEB, Cott-DFO Thorbourne-ILA, White- WesternGeco	Referral of project description titled WesternGeco Mackenzie Delta River 2D Seismic Program 2002 (Bob White, WesternGeco) Enclosures (11+) documents concerning the proposed development
3.		June 20, 2002	June 20, 2002	Letter	J.W. Allen (EIRB)	J. Marty Swagar	Re: Copies of "Guidelines for Impact Assessment Methods to be Used Before the Environmental Impact Review Board & Environmental Impact Review Board, Operating Procedures"
4.		June 24, 2002	June 24, 2002	Letter	Robert Hornal (EIRB)	Duane Smith - Chair (IGC)	Re: WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002
5.		June 24, 2002	June 24, 2002	Letter	Robert Hornal (EIRB)	Honourable Robert D. Nault, M.P.	Re: WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002

6.		June 25, 2002	June 25, 2002	Letter	J.W. Allen (EIRB)	Members of the Environmental Impact Review Board & Debra L. Fendrick	Re: Referral Package from the Environmental Impact Screening Committee on: WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002
7.		June 26, 2002	June 26, 2002	Letter & Attachment	J.W. Allen (EIRB)	Aklavik HTC, RWED, FJMC, GRRB, IGC, Inuvik HTC, Tuktoyaktuk HTC, WMAC(NS), WMAC(NWT)	Re: Release for: WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002 Public Notice of Referral Dated at Inuvik, Northwest Territories June 24, 2002
8.		June 26, 2002	June 26, 2002	Letter	J.W. Allen (EIRB)	J. Marty Swagar	Re: Requesting a " Hold" Status for WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002
9.		June 27, 2002	June 27, 2002	Purchase Order & Attachments	Peggy Madore	Northern News Service	Re: Purchase order for placing ad (Public Notice of Referral) in The Inuvik Drum & Northern News Service
10.		July 3, 2002	July 3, 2002	Letter	J.W. Allen (EIRB)	A. Chauhan, R. Fonger, K. Thiesenhausen, L. Graf, K. Bill, L. Staples, N. Perry cc: D. Dillon, P. Madore, A. Hassanzadeh, N. Snow	Re: Registered Participants List

11.		July 8, 2002	July 8, 2002	Letter	J.W. Allen (EIRB)	P. Patcholek, B. Putt, D. Livingston, D. Stewart, P. Latour, P. Cott, R. Allen, R. Morrison, R. Cockney, S. Harbicht, S. Matthews, W. Fenton cc: L. Van Ham, P. Madore	Re: Government Representatives List for WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002
12.	July 1, 2002	June 27, 2002	July 1, 2002	Advertisement in News North	Peggy Madore	News North	Public Notice of Referral, Dated at Inuvik, Northwest Territories, June 24, 2002
13.	July 4, 2002	June 27, 2002	July 4, 2002	Advertisement in Inuvik Drum	Peggy Madore	News North	Public Notice of Referral, Dated at Inuvik, Northwest Territories, June 24, 2002
14.	July 8, 2002	June 27, 2002	July 8, 2002	Advertisement in News North	Peggy Madore	News North	Public Notice of Referral, Dated at Inuvik, Northwest Territories, June 24, 2002
15.	July 11, 2002	June 27, 2002	July 11, 2002	Advertisement in Inuvik Drum	Peggy Madore	News North	Public Notice of Referral, Dated at Inuvik, Northwest Territories, June 24, 2002
16.		July 23, 2002	July 23, 2002	Letter	J.W. Allen (EIRB)	Z. Posynick, J. McMullin cc: P. Madore R. Morrison	Re: Government Representatives for WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002 and Copies of Environmental Impact Review Board - Operating Procedures (June 18, 2001)

17.		July 30, 2002	July 30, 2002	Letter	J.W. Allen (EIRB)	Distribution List	Re: WesternGeco (White), Mackenzie Delta River 2D Seismic Program 2002: Hold Status & encl: 1. "Hold Letter" from WesternGeco 2. Letter of explanation to WesternGeco on " hold status" 3. Registered Participants List
18.		August 20, 2002	August 20, 2002	Letter	J.W. Allen (EIRB)	Distribution List	Re: Registered Participants List
19.		September 5, 2002	September 5, 2002	Letter	J.W. Allen (EIRB)	Distribution List	Re: Registered Participants List
20.	Nov. 7, 2002	Nov. 7, 2002	Nov. 6, 2002	Letter	Duane Smith (IGC)	Robert Hornal (EIRB)	Re: IGC will continue to use their process under the IFA to review the program
21.	Nov. 20, 2002	Nov. 20, 2002	Nov. 20, 2002	E-mail	Keith Rosindell (WesternGeco)	J.W. Allen (EIRB)	Re: attached is copy of letter to restart process for WesternGeco program. A signed copy has been posted as well
22.		Nov. 25, 2002	Nov. 25, 2002	Letter	J.W. Allen (EIRB)	Brian Wood (Mackenzie Gas Project)	Re: enclosed reports relating to activities of EIRB public hearings. His name also added to Registered Participants list for Commander and WesternGeco
23.		Nov. 25, 2002	Nov. 25, 2002	Letter	J.W. Allen (EIRB)	Keith Rosindell (WesternGeco)	Re: forwarding a copy of EIRB's Guidelines for Impact Assessment Methods
24.	Nov. 26, 2002		Nov. 25, 2002	Letter	Kevin Bill (FJMC)	J.W. Allen (EIRB)	Re: FJMC requesting to be added to Registered Participants List and declaring intention to participate in public review regarding WesternGeco
25.	Nov. 27, 2002		Nov. 27, 2002	E-mail	Keith Rosindell (WesternGeco)	J.W. Allen (EIRB)	Re: attached report - WesternGeco 2002 Mackenzie River Acoustic and Fish Test Program

26.	Nov. 27, 2002		Nov. 27, 2002	E-mail	Keith Rosindell (WesternGeco)	J.W. Allen (EIRB)	Re: attached report - WesternGeco 2002 Mackenzie River Wildlife Monitoring Survey
27.	Nov. 27, 2002		Nov. 27, 2002	E-mail	Keith Rosindell (WesternGeco)	J.W. Allen (EIRB)	Re: copy of distribution list for sending out WesternGeco 2002 Mackenzie River Wildlife Monitoring Survey and Acoustic and Fish Test Program
28.	Nov. 27, 2002		Nov. 27, 2002	E-mail	Keith Rosindell (WesternGeco)	J.W. Allen (EIRB)	Re: WesternGeco 2002 Mackenzie River Fish Behaviourial Report
29.	Dec. 8, 2002		Dec. 8, 2002	E-mail	Derek Melton (IMG-Golder)	J.W. Allen (EIRB)	Re: attached planned table of contents for draft EIS
30.		Dec. 9, 2002	Dec. 8, 2002	Fax	J.W. Allen (EIRB)	EIRB Members, R. Hornal, D. Fendrick, B. Griffiths	Re: Forwarding the planned table of contents for the draft EIS
31.		Dec. 9, 2002	Dec. 9, 2002	Faxed Letter	J.W. Allen (EIRB)	Herbert Felix	Re: Copies of two faxes required for teleconference for Dec. 9, 2002
32.		Dec. 10, 2002	Dec. 10, 2002	Letter	J.W. Allen (EIRB)	Reg. Participants of WesternGeco	Re: Relaying information of hiring William Griffiths as the technical advisor for the WesternGeco review
33.	Dec. 20, 2002		Dec. 19, 2002	Letter	A. Ehrlich (MVEIRB)	J.W. Allen (EIRB)	Re: Environmental Assessment Re-Activation, Draft Terms of Reference
34.		Dec. 23, 2002	Dec. 23, 2002	Letter	J.W. Allen (EIRB)	Keith Rosindell (WesternGeco)	Re: J. Allen confirming Jan. 3, 2003 as a tentative submission date for the draft EIS
35.		Jan. 2, 2003	Jan. 2, 2003	Letter	J.W. Allen (EIRB)	EIRB Members, R. Hornal	Re: Information release from WesternGeco, dated Dec. 24, 2002
36.	Jan. 7, 2003		Jan. 3, 2003	Letter	Keith Rosindell (WesternGeco)	J.W. Allen (EIRB)	Re: WesternGeco Mackenzie Delta Marine 2-D Seismic Program 2003 - 26 copies of EIS

37.		Jan. 8, 2003	Jan. 8, 2003	Letter	J.W. Allen (EIRB)	Registered Participants of WesternGeco	Re: Environmental Impact Statement for the WesternGeco Mackenzie Delta Marine 2D Seismic Program 2002
38.		Jan. 8, 2003	Jan. 8, 2003	Letter	J.W. Allen (EIRB)	EIRB Members and Staff	Re: Notification of members of the office receiving the EIS copies from WesternGeco
39.	Jan. 8, 2003		Jan. 8, 2003	Letter	Pete Cott (DFO)	J.W. Allen (EIRB)	Re: Draft report "Behaviour and Physical Response of Riverine Fish to Airguns" prepared by IMG-Golder for WesternGeco in support of the Mackenzie Delta River 2D Seismic Program 2002 - DFO comments
40.	Jan. 10, 2003		Jan. 9, 2003	Letter	A. Ehrlich (MVEIRB)	J.W. Allen (EIRB)	Re: Notes from WesternGeco's meetings, Dec. 5 th and Dec. 12 th , 2002
41.	Jan. 14, 2003		Jan. 13, 2003	Letter	A. Ehrlich (MVEIRB)	J.W. Allen (EIRB)	Re: Comments of Draft Terms of Reference + Workplan
42.		Jan. 14, 2003	Jan. 14, 2003	Letter	J.W. Allen (EIRB)	Brian Woods (Mackenzie Gas Project)	Re: Canadian regulatory report - EIRB information
43.	Jan. 17, 2003		Jan. 16, 2003	Letter	A. Ehrlich (MVEIRB)	J.W. Allen (EIRB)	Re: Comments of Draft Terms of Reference + Workplan
44.			Jan. 23, 2003	Letter	Alisha Chauhan (JS)	Distribution in Aklavik, Inuvik and Tuktoyaktuk, NT; cc - J.W. Allen (EIRB)	Re: Proposed WesternGeco's Mackenzie Delta Marine 2D Seismic Program 2003 - Public Review
45.			Jan. 25, 2003	letter	A. Ehrlich (MVEIRB)	J.W. Allen (EIRB)	Re: E-mail and memo from WesternGeco
46.		Jan. 27, 2003	Jan. 27, 2003	Fax	Laura Van Ham (NEB)	J.W. Allen (EIRB)	Re: Forwarding copy of a cover letter, as requested

47.	Jan. 27, 2003		Jan. 27, 2003	Letter	A. Ehrlich (MVEIRB)	J.W. Allen (EIRB)	Re: Final Terms of Reference + Workplan
48.	Jan. 28, 2003		Jan. 27, 2003	Letter	A. Ehrlich (MVEIRB)	J.W. Allen (EIRB)	Re: Final Terms of Reference + Workplan
49.			Jan. 28, 2003	e-mail	Keith Rosindell (WesternGeco)	J.W. Allen (EIRB)	Re: minutes from January 2003 Delta meeting
50.	Jan. 29, 2003	Jan. 29, 2003		e-mail	Laura Van Ham (NEB)	J.W. Allen (EIRB)	WesternGeco Mackenzie Delta Marine 2D Seismic Program 2003 - CEAA EA
51.	Jan. 29, 2003	Jan. 29, 2003		e-mail	Laura Van Ham (NEB)	J.W. Allen (EIRB)	WesternGeco Mackenzie Delta Marine 2D Seismic Program 2003 - PC request
52.	Jan. 30, 2003	Jan. 30, 2003		Fax	Wade Romanko (EC)	J.W. Allen (EIRB)	Review Comments and Recommendations
53.	Jan. 30, 2003	Jan. 30, 2003		e-mail	Mardi Hastings (U of O)	J.W. Allen (EIRB)	WesternGeco Mackenzie Delta River 2D Seismic Program 2003 EIS (3 Attachments: 1. NEB CEAA section 5 notification and scope letter to FAS 2. NEB Information Request #1 to WesternGeco 3. WesternGeco Information Request #1 response to the NEB)
54.	Jan. 30, 2003			e-mail	William Griffiths	J.W. Allen (EIRB)	Attached is a document showing W. Griffiths comments on the WesternGeco meetings
55.	Jan. 31, 2003			e-mail	Mary Griffiths (Pembina Institute)	J.W. Allen (EIRB)	Thank you letter for a copy of WesternGeco Mackenzie Delta River 2D Seismic Program 2002
56.			Jan. 31, 2003	mail	J.W. Allen (EIRB)	Registered Participants	Correspondence Related to EIRB Review (19 Attachments from previous material dated November 6, 2002 to January 28, 2003)

57.	Jan. 31, 2003	Jan. 31, 2003		e-mail	Ed McLean (PC)	J.W. Allen (EIRB)	Registered Participant List for WesternGeco Mackenzie Delta River Seismic Program 2002 review
58.			Jan. 31, 2003	e-mail	J.W. Allen (EIRB)	Ed McLean	Re: Registered Participant List for WesternGeco Mackenzie Delta River 2D Seismic Program 2002 - Review
59.	Jan. 31, 2003	Jan. 31, 2003		e-mail	Mary Griffiths (PIAD)	J.W. Allen (EIRB)	WesternGeco Mackenzie Delta EIS
60.	Jan. 31, 2003	Jan. 31, 2003		e-mail	J.W. Allen (EIRB)	Mary Griffiths (PIAD)	Re: WesternGeco Mackenzie Delta EIS
61.	Jan. 31, 2003	Jan. 31, 2003		fax	Alan Ehrlich (MVEIRB)	J.W. Allen (EIRB)	E-Mail from WesternGeco
62.	Jan. 31, 2003	Jan. 31, 2003		e-mail	Mike Preston (WWF)	J.W. Allen (EIRB)	Registered Participant
63.	Feb. 3, 2003		Jan. 23, 2003	fax	WesternGeco Marine Dept.	J.W. Allen (EIRB)	Mackenzie River 2D Update
64.		Feb. 3, 2003		mail	J.W. Allen (EIRB)	Bruce Hannah (DFO)	WesternGeco Review: Environmental Impact Review Board Operating Procedures
65.		Feb. 3, 2003		fax	J.W. Allen (EIRB)	Bruce Hannah (DFO)	WesternGeco Review: Section 10, Information Requirements Environmental Impact Review Board Operating Procedures
66.	Feb. 4, 2003	Feb. 4, 2003		fax	Elaine Blais (INAC)	J.W. Allen (EIRB)	EIS – WesternGeco Mackenzie Delta Marine 2D Seismic Program 2003
67.			Feb. 4, 2003	fax	J.W. Allen (EIRB)	Registered Participants	WesternGeco Mackenzie Delta River 2D Seismic Program 2002 (20 pages 9 attachments dated 28 Jan 2003 to 3 Feb 2003)

68.			Dec. 5, 2002	minutes			WesternGeco Meeting Minutes - Dec. 5, 2002 Technical Workshop for WesternGeco 2002 Field Studies
69.			Dec. 12, 2002	minutes			WesternGeco Meeting Minutes - Dec. 12, 2002 Technical Workshop for WesternGeco 2002 Field Studies
70.		Feb. 6, 2003	Feb. 4, 2003	fax letter	Gavin More - RWED	J.W. Allen (EIRB)	Comment on reviewing WesternGeco's EIS
71.		Feb. 4, 2003		letter	Laura Van Ham (NEB)	J.W. Allen (EIRB)	Comment on reviewing WesternGeco's EIS
72.	Feb. 4, 2003		Feb. 4, 2003	faxed letter	Bruce Hanna - DFO	J.W. Allen (EIRB)	DFO comments on WesternGeco EIS
73.	Feb. 7, 2003		Feb. 5, 2003	letter	Kevin Bill (FJMC)	J.W. Allen (EIRB)	Comment on reviewing WesternGeco's EIS
74.	Feb. 7, 2003		Feb. 7, 2003	fax letter	Jennifer Walker-Larsen (GRRB)	J.W. Allen (EIRB)	Comment on reviewing WesternGeco's EIS
75.	Feb. 11, 2003			letter	J.W. Allen (EIRB)	Registered Participants	WesternGeco Review, Public Meetings: Aklavik, Tuktoyaktuk, and Inuvik
76.			Feb. 11, 2003	letter	J.W. Allen (EIRB)	Peggy Madore - SAO-JS; cc Heather Hansen	WesternGeco Registered Press Release
77.			Feb. 11, 2003	letter	J.W. Allen (EIRB)	EIRB Board Members, Debra Fendrick	WesternGeco Review, Public Meetings: Aklavik, Tuktoyaktuk, and Inuvik and WesternGeco Registered Press Release
78.			Feb. 11, 2003	letter	J.W. Allen (EIRB)	Registered Participants	WesternGeco Review, Public Meetings: Aklavik, Tuktoyaktuk, and Inuvik and WesternGeco Registered Press Release

79.		Feb. 11, 2003		Purchase Order	Peggy Madore - SAO-JS	News North	Purchase Order to publish the press release
80.			Feb. 12, 2003	fax cover sheet	J.W. Allen (EIRB)	EIRB Board Members, Debra Fendrick	forwarding correspondence
81.		Feb. 12, 2003		fax letter	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
82.		Feb. 12, 2003		letter	J.W. Allen (EIRB)	Ed McLean - Parks Canada	WesternGeco Review - Previously Distributed Items
83.		Feb. 12, 2003		letter	J.W. Allen (EIRB)	Jennifer Walker-Larsen (GRRB)	Thank you for comments on WesternGeco EIS
84.		Feb. 13, 2003		e-mail attachment	Jennifer Walker-Larsen (GRRB)	J.W. Allen (EIRB)	Detailed Comments on WesternGeco EIS
85.			Feb. 19, 2003	faxed letter	J.W. Allen (EIRB)	EIRB Board Members, Debra Fendrick	forwarding correspondence
86.			Feb. 19, 2003	faxed letter	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
87.	Feb. 26, 2003	Feb. 24, 2003		letter	Elenor Ross, Tuk HTC	J.W. Allen (EIRB)	Request to be added to Registered Participants List
88.			Feb. 25, 2003	faxed letter	J.W. Allen (EIRB)	EIRB Board Members, Debra Fendrick	forwarding correspondence
89.			Feb. 25, 2003	faxed letter	J.W. Allen (EIRB)	EIRB Board Members, Debra Fendrick	forwarding correspondence
90.			Feb. 25, 2003	faxed letter	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
91.	Feb. 27, 2003	Feb. 26, 2003		e-mail	K. Rosindell (WesternGeco)	J.W. Allen (EIRB)	re: correspondence dated Feb. 25, 2003

92.			Feb. 27, 2003	letter	J.W. Allen (EIRB)	K. Rosindell (WESTERNGECO); P. Cott (DFO); B. Bell (FJMC)	WesternGeco Public Review/Technical Meeting - April 16, 2003 Inuvik, NT
93.			Feb. 27, 2003	letter	J.W. Allen (EIRB)	K. Rosindell (WESTERNGECO)	WesternGeco Public Review/Response to WesternGeco Email of Feb. 26, 2003
94.			Feb. 27, 2003	faxed letter	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
95.			Feb. 27, 2003	letter	J.W. Allen (EIRB)	Elenor Ross, Tuk HTC	Confirmation from J.W. Allen that Tuk HTC is on Registered Participants List
96.	Mar. 4, 2003		Feb. 28, 2003	faxed newsletter	WesternGeco	J.W. Allen (EIRB)	February information
97.		Mar. 13, 2003	Mar. 13, 2003	faxed and mailed letter	J.W. Allen (EIRB)	K. Rosindell, D. Melton, R. Hornal, N. Snow	letter regarding WesternGeco's proposed changes to project
98.			Mar. 13, 2003	letter	Ed McLean - Ecosystem Secretariat Manager	cc - J.W. Allen (EIRB)	Parks Canada comments on proposed project
99.			Mar. 14, 2003	letter	T.M. Baker - NEB	J.W. Allen (EIRB)	Results of review of WesternGeco's EIS
100.			Mar. 17, 2003	letter	K. Rosindell - W.G.	J.W. Allen (EIRB)	Alternative Source Configuration
101.		Mar. 17, 2003	Mar. 17, 2003	letter	J.W. Allen (EIRB)	EIRB Members	forwarding correspondence
102.		Mar. 19, 2003	Mar. 19, 2003	letter	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
103.		Mar. 20, 2003	Mar. 20, 2003	letter	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
104.		Mar. 20, 2003	Mar. 20, 2003	letter	J.W. Allen (EIRB)	EIRB Members	forwarding correspondence

105.		Mar. 20, 2003	Mar. 20, 2003	letter	J.W. Allen (EIRB)	EIRB Members	forwarding correspondence
106.			Mar. 21, 2003	email	Wayne MacCallum	K. Bill, R. Bell cc - J.W. Allen	FYI - waiting for mailout from J. W. Allen
107.		Mar. 24, 2003	Mar. 24, 2003	letter	J.W. Allen (EIRB)	Wayne MacCallum	forwarding correspondence
108.		Mar. 25, 2003	Mar. 25, 2003	letter	J.W. Allen (EIRB)	Nelson Perry - IGC	request for further information if EIRB Panel requires it
109.		Mar. 25, 2003	Mar. 25, 2003	letter	J.W. Allen (EIRB)	P. Cott, B. Hanna, K. Bill, D. Melton, K. Rosindell, A. Popper, A. Ehrlich, W. MacCallum, R. Hornal	Invite to participate in technical meeting on April 16, 2003, in Inuvik
110.		Mar. 25, 2003	Mar. 25, 2003	letter	J. W. Allen (EIRB)	W. MacCallum	notification of items to be couriered to Mr. MacCallum
111.			Mar. 27, 2003		J.W. Allen (EIRB)		March 27, 2003 revision of the Registered Participant List for WesternGeco Mackenzie Delta Marine Seismic Program 2003 - Review
112.		Mar. 27, 2003	Mar. 27, 2003	letter	J.W. Allen (EIRB)	EIRB Members	forwarding correspondence
113.		Mar. 27, 2003	Mar. 27, 2003	letter	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
114.		Mar. 28, 2003	Mar. 28, 2003	letter	K. Rosindell (W.G.)	J.W. Allen (EIRB)	WesternGeco responses to Information Request #2 from the NEB
115.		Mar. 31, 2003	Mar. 31, 2003	letter	J.W. Allen (EIRB)	Registered Participants and Gov't Reps.	WesternGeco responses to Information Request #2 from the NEB

116.		Mar. 31, 2003	Mar. 31, 2003	letter	J.W. Allen (EIRB)	EIRB Members	WesternGeco responses to Information Request #2 from the NEB
117.		Mar. 27, 2003	Mar. 31, 2003	letter	J.W. Allen (EIRB)	R. Hornal, P. Bannon, A. Williams, H. Felix (EIRB)	information regarding April 1, 2003 teleconference
118.		Apr. 1, 2003	Apr. 1, 2003	fax cover sheet and letter	J.W. Allen (EIRB)	W. Griffiths (LGL Limited)	forwarding March 12, 2003, copy of letter from Inuvik HTC to the FJMC regarding <i>Study of the Acoustic Effects of Seismic on Freshwater Fish in the Mackenzie River</i>
119.		Apr. 1, 2003	Apr. 1, 2003	faxed letter	J.W. Allen (EIRB)	J. Akhiatak, R. Binder, T. Butters, H. Felix (EIRB)	Bill Griffiths' report on WesternGeco's Alternate Source Configuration
120.		Apr. 2, 2003	Apr. 2, 2003	email	W. Griffiths (LGL Limited)	J.W. Allen (EIRB)	re. Fish air bladders
121.			Apr. 2, 2003	email	J.W. Allen (EIRB)	W. Griffiths (LGL Limited), R. Hornal, (EIRB) N. Snow (JS)	WesternGeco Review - Swim Bladder Question
122.		Apr. 2, 2003	Apr. 2, 2003	fax letter	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
123.		Apr. 2, 2003	Apr. 2, 2003	letter	J.W. Allen (EIRB)	Registered Participants and Gov't Reps.	re: amendment to the EIS and Worst Case Scenario in the EIS
124.		Apr. 23, 2003	Apr. 23, 2003	letter	Duane Smith (IGC)	Robert Hornal (EIRB)	regarding Inuvialuit Harvest Study data
125.	Apr. 4, 2003	Apr. 4, 2003		letter	Pete Cott - DFO	J.W. Allen (EIRB)	Alternate Source Configuration for the WesternGeco Mackenzie River/Delta Seismic project(s) Summer 2003 - DFO Comment

126.			Apr. 3, 2003		J.W. Allen (EIRB)		April 3, 2003, 2003 revision of the Distribution List for WesternGeco Mackenzie River Seismic Review
127.		Apr. 4, 2003		fax	J.W. Allen (EIRB)	Jason McNeill (RWED)	attached is a June 20, 2002 letter - as requested
128.			Apr. 4, 2003		J.W. Allen (EIRB)		April 4, 2003, 2003 revision of the Distribution List for WesternGeco Mackenzie Delta Marine Seismic Program 2003 - Review
129.	Apr. 9, 2003			fax	WesternGeco	J.W. Allen (EIRB)	March information
130.		Apr. 9, 2003		fax	J.W. Allen (EIRB)	CBC Radio - Inuvik and Yellowknife	announcement of public meetings in Aklavik, Tuktoyaktuk and Inuvik
131.		Apr. 10, 2003		email	J.W. Allen (EIRB)	R. Hornal (EIRB)	new draft agenda for Inuvik's technical meeting
132.		Apr. 10, 2003		email	J.W. Allen (EIRB)	K. Rosindell (W.G.)	new draft agenda for Inuvik's technical meeting
133.		Apr. 10, 2003		letter	Duane Smith (IGC)	R. Hornal (EIRB)	IGC comments on the WesternGeco EIS
134.		Apr. 10, 2003		email	Keith Rosindell (WesternGeco)	J.W. Allen (EIRB)	agenda queries
135.		Apr. 10, 2003		memo	J.W. Allen (EIRB)	Peggy Madore (JS)	copy of advertisement to run on NewsNorth Network's community channel from April 10-16, 2003
136.		Apr. 10, 2003		fax	J.W. Allen (EIRB)	H. Felix (EIRB)	info to be posted in Tuktoyaktuk regarding April 15, 2003 public meeting
137.		Apr. 10, 2003			J.W. Allen (EIRB)		copy of advertisement for all meetings regarding WesternGeco
138.		Apr. 14, 2003		email	Matt Litvak	J.W. Allen (EIRB)	remove name from Reg. Participants List

139.		Apr. 14, 2003		email	J.W. Allen (EIRB)	Myrna Button, (JS)	remove name from Reg. Participants List
140.		Apr. 14, 2003		email	J.W. Allen (EIRB)	B. Hannah, E. Gyselman	agenda for technical meeting on April 16, 2003
141.	Apr. 15, 2003		Apr. 11, 2003	letter	Pete Cott - DFO	cc - J.W. Allen (EIRB)	WesternGeco, Mackenzie River 2D Seismic Program 2003 - Information request from DFO
142.			Apr. 15, 2003	letter	J.W. Allen (EIRB)	Registered Participants and Gov't Reps.	Source of Information - Worst Case Scenario
143.		Apr. 15, 2003	Apr. 15, 2003	fax	J.W. Allen (EIRB)	EIRB Members	forwarding correspondence
144.		Apr. 15, 2003	Apr. 15, 2003	fax	J.W. Allen (EIRB)	Registered Participants	forwarding correspondence
145.		Apr. 25, 2003	Apr. 25, 2003	letter	J.W. Allen (EIRB)	Esther Price (IHTC)	Request from EIRB Panel for information regarding monetary value of whitefish to the Inuvialuit
146.		Apr. 25, 2003	Apr. 25, 2003	letter	J.W. Allen (EIRB)	EIRB Members and Debra Fendrick	Request from EIRB Panel for information regarding monetary value of whitefish to the Inuvialuit
147.		Apr. 25, 2003	Apr. 25, 2003	letter	J.W. Allen (EIRB)	Registered Participants	Request from EIRB Panel for information regarding monetary value of whitefish to the Inuvialuit
148.		Apr. 28, 2003	Apr.28, 2003	letter	J.W. Allen (EIRB)	Ian Butters - RWED	request for "economic evaluation of wildlife reports" for review panel's use
149.		Apr. 28, 2003	Apr. 28, 2003	letter	J.W. Allen (EIRB)	Mike Preston - WWF	New address for World Wildlife Federation - Inuvik office
150.		Apr. 29, 2003	Apr. 29, 2003	e-mail	Ian Butters - RWED	J.W. Allen (EIRB)	Report entitled "Edible Weights of Wildlife Species used for Country Food in the NT and NU"
151.		Apr. 29, 2003	Apr. 29, 2003	e-mail	J.W. Allen (EIRB)	Ian Butters - RWED	Thank you for the report forwarded to the EIRB

152.			May 2, 2003		J.W. Allen (EIRB)		May 2, 2003 revision to the Registered Participants Distribution List
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