Louie Azzolini

From: Ramsey, John [jramsey@NRCan.gc.ca]
Sent: Tuesday, October 30, 2001 9:11 AM
To: 'Louie Azzolini'
Cc: EAO2; EAO3; Roland Semjanovs; Vern Christensen; John Donihee (E-mail); Bourgon, Michel
Subject: RE: De Beers Snap Lake Terms of Reference -- Allocation of Gove rnment nt Expert Reviewers to the EA

Louie, your question re: " Am I to assume NRCan will not assist the Review Board in the identified areas?" is surprising to us. On the contrary, we have identified several areas on the Terms of Reference spreadsheet where we can provide expertise/advice to the Review Board, and are prepared to do so.

And as for "questioning the RB's jurisdiction or its interpretation of the Act", the answer is no. We merely provided comments on what we perceived to be the meaning of your approach in your e-mails of October 15 and 18, 2001. For emphasis, I have underlined key words in your quotes below:

1) October 15 -- " ...They outline the governments and, or, government department experts responsible for evaluating the De Beers Report of EA..."; and

2) October 18 -- "...Please let me know by October 29, 2001, if you agree with the job assignments and lead assignments. Lead reviewers are expected to coordinate expert evaluation on the respective subjects and line numbers itemized."

To us, those messages meant a transfer/delegation of responsibilities to government -- away from the Review Board; a function that we do not find in the MVRMA.

Obviously, NRCan has brought, and will continue to be bring its expertise to bear in reviews such as Snap Lake. Moreover, we are as committed as you are to ensuring that this review is conducted in a thorough, efficient, timely, and respectful fashion.

I hope this makes the intent of our comments more meaningful to you. Leave us discuss.

Sincerely,

John Ramsey

-----Original Message-----
From: Louie Azzolini [mailto:eao1@mveirb.nt.ca]
Sent: Monday, October 29, 2001 7:14 PM
To: 'Ramsey, John'
Cc: EAO2; EAO3; Roland Semjanovs; Vern Christensen; John Donihee (E-mail)
Subject: RE: De Beers Snap Lake Terms of Reference -- Allocation of Gove rnment nt Expert Reviewers to the EA

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John, I am seriously concerned regarding the following statement "NRCan is unaware of any provisions in the Mackenzie Valley Resource Management Act which empower the Review Board (or its staff) to assign such roles. As well, more pragmatically, creating a line by line division of labour risks ignoring, as the Department of Fisheries and Oceans (DFO) has already pointed out, the linkages among the sections. Reviewers should be at liberty to examine and comment on other sections as well. We also agree with DFO's comment that there is a forced separation and loss of connectivity by assigning reviewers to each line and identifying many different leads."

Am I to assume NRCan will not assist the Review Board in the identified areas? and are you questioning the RB's jurisdiction or its interpretation of the Act? if so please place that in a formal letter as soon as possible.

Sincerely,
Luciano Azzolini

-----Original Message-----
From: Ramsey, John [mailto:jramsey@NRCan.gc.ca]
Sent: Monday, October 29, 2001 1:28 PM
To: Louie Azzolini (E-mail)
Cc: Tamara Hamilton (E-mail); Paula Pacholek (E-mail); DahlJ (E-mail); Burgess, Margo; Hogan, Charlene; Kasemets, Juri; Johnstone, Rob; Clausen, Scott; Bourgon, Michel; Kellerman, Joanne; Brett Hudson (E-mail)
Subject: De Beers Snap Lake Terms of Reference -- Allocation of Governme nt Expert Reviewers to the EA

Hi Louie:

As requested in your e-mail of October 15th, Natural Resources Canada (NRCan) has examined the Terms of Reference (see attached Excel spreadsheet) where government departments have been assigned a "division of labour", including that of "lead reviewer" on a line by line basis. NRCan does not agree with the term "lead reviewer" and has removed it from the spreadsheet. In our view, it is not up to NRCan to ensure that comments from other Responsible Ministers are compiled and accurately presented to the Review Board. This is the Review Board's responsibility. If this document is retained at all, the lead reviewer heading should be replaced with "Government Reviewers with Expertise/Advice" (or something similar). This will allow departments to provide expertise within their mandates without assuming control of that topic. Nevertheless, we have inserted our comments on your 'take' regarding the assignments. Other issues/concerns that have emerged in this latest exercise, are discussed below.

The "assigning" of expert reviewer roles, however, also concerns NRCan. NRCan is unaware of any provisions in the Mackenzie Valley Resource Management Act which empower the Review Board (or its staff) to assign such roles. As well, more pragmatically, creating a line by line division of labour risks ignoring, as the Department of Fisheries and Oceans (DFO) has already pointed out, the linkages among the sections. Reviewers should be at liberty to examine and comment on other sections as well. We also agree

with DFO's comment that there is a reduced separation and loss of connectivity by assigning reviewers to each line and identifying many different leads.

We trust that these matters can be resolved. We are committed to ensuring that the spirit of cooperation which has operated during past Mackenzie Valley reviews continues to prevail through this and succeeding EAs.

If you wish to discuss these comments and/or those made on the spreadsheet, please call me at (613) 947-1591.

Regards,

John Ramsey
Senior EA Officer
Office of Environmental Affairs
Natural Resources Canada

<<De Beers Spreadsheet Work copy.xls>>