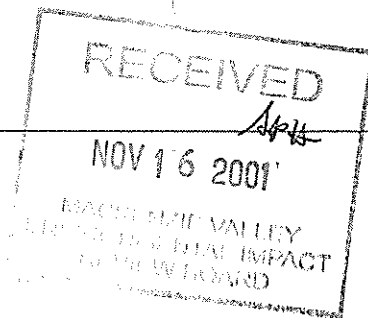


Louie Azzolini

From: Kevin O'Reilly [xcarc@ssimicro.com]
Sent: Monday, November 05, 2001 5:15 PM
To: Louie Azzolini
Cc: VChristensen@mveirb.nt.ca

Subject: Re: Intervener, directly affected party, or, member of public - Applying the Rules of Procedure



Louie

As CARC has previously stated, we object to the application of the draft rules of procedure for this Environmental Assessment. We do not see the need to create several different classes of participants and this action represents a significant and unnecessary departure from past regulatory practices in the North. Furthermore, there has been no completed process of public consultation on these draft rules.

In any event, assuming that the Board intends to apply the draft rules dated March 21, 2001 to the De Beers Snap Lake Environmental Assessment, CARC would like to be considered as an "intervenor". Please advise if you need any further information to support this request.

Kevin O'Reilly
 Research Director
 Canadian Arctic Resources Committee

----- Original Message -----

From: Louie Azzolini

To: Brett Hudson (E-mail) ; Bridgette Larocque ; Buddy Williams (E-mail) ; CARC Kevin (E-mail) ; Chamber of mines ED (E-mail) ; CPAWS (E-mail) ; Dechi Laot'i First Nation (E-mail) ; Doug Soloway (E-mail) ; EAO2 ; Ecology North (E-mail) ; Health Canada 2 (E-mail) ; John Donihee (E-mail) ; John Ramsey (E-mail) ; Julie Dahl (E-mail) ; LKDFN Wildlife Lands Environment Ctte (E-mail) ; Lutsel K'e Dene First Nation (E-mail) ; Mark Dahl (E-mail) ; Mark Lange DFO (E-mail) ; Mary Tampsell (E-mail) ; MVLWB Permit (E-mail) (E-mail) ; Nick Lawson (E-mail) ; NSMA Bob Turner (E-mail) ; Nunavut Impact Review Board (E-mail) ; Paula Pacholek [Yel] (E-mail) ; Robin Johnstone (E-mail) ; Roland Semjanovs ; Roland Semjanovs (E-mail) ; Sierra Legal Defence Fund (E-mail 2) ; Stephen Harbicht (E-mail) ; Tamara Hamilton (E-mail) ; Tim Byers (E-mail) ; Vern Christensen ; Wha Ti First Nation (E-mail) ; William (Bill) Carpenter (E-mail) ; WWF - Peter J. Ewins (E-mail) ; WWF Tony Y. (E-mail) ; YK Chamber of Commerce (E-mail)

Sent: October 15, 2001 4:14 PM

Subject: Intervener, directly affected party, or, member of public - Applying the Rules of Procedure

Please review the following letter. It contains important procedural information regarding the De Beers environmental assessment.

MVEIRB file: EA01-004

TO THE DISTRIBUTION LIST

RE: Application of the Review Board's Draft Rules of Procedure to the *De Beers Snap Lake Diamond Mine Environmental Assessment Proceeding*.

On September 16, 2001, the Review Board decided to apply its draft Rules of Procedure to the De

Beers Snap Lake Diamond Mine Environmental Assessment Proceeding. The draft Rules of Procedure apply as written to the De Beers Snap Lake environmental assessment. This decision was made to ensure procedural certainty for De Beers in the ongoing Snap Lake environmental assessment.

Once the public consultation process currently underway for the draft Rules is complete, the Review Board will consider the comments received, make the changes it considers appropriate and formally adopts its Rules of Procedure. At that time, the Review Board will consider the advisability of applying the adopted Rules of Procedure to the Snap Lake proceeding. If such a step would, in the MVEIRB's view, be likely to adversely affect the proceeding, the environmental assessment will be completed on the basis of the draft Rules.

In the meanwhile, the Review Board seeks the assistance of the parties involved in the Snap Lake environmental assessment. The draft Rules of Procedure outline three categories of participants and the MVEIRB would like to the parties involved in the EA to indicate which of the three categories they feel they should be grouped with. To that end, please review the draft Rules and consider which of the following categories is most appropriate, or, best describes your agency's or organization's involvement in the EA.

"Intervener" - does not qualify as a "directly affected party" but has the same responsibilities and rights as a directly affected party in an environmental assessment once granted intervener status. An intervener has the right to be represented by counsel, participate in prehearing conferences, obtain information and documents (discovery and IR's) from other parties, present evidence and cross-examine witnesses and make oral or written argument.

"Directly affected party" - includes any individual or organization directly affected by the outcome of an environmental assessment proceeding. A directly affected party has the right to be represented by counsel, participate in prehearing conferences, obtain information and documents (discovery and IR's) from other parties, present evidence and cross-examine witnesses and make oral or written argument. The developer, a first nation affected by a proposed development, any responsible minister (or his or her department), a Renewable Resources Board, an affected municipality or the owner or occupier of any land affected by the development is a directly affected party.

"Member of the public" - is any person and, or, organization that is not an intervener or directly affected party and participates in an environmental assessment but has not asked for formal status in the proceeding. Members of the public includes everyone not otherwise included as an intervenor and, or, directly affected party.

Please advise the Review Board by November 5, 2001, of the status your organization seeks in order to participate in the De Beers environmental assessment. The Review Board will decide in mid-November on these requests for status in the De Beers environmental assessment.

If you have any questions about the Rules of Procedure and their application to the Snap Lake environmental assessment, please call Louie Azzolini at (867) 873-9029. Depending on the interest and need, a meeting may be held to provide additional information on the draft Rules of Procedure.

Sincerely,
Luciano Azzolini
Environmental Assessment Officer

Distribution

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Luciano Azzolini,
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