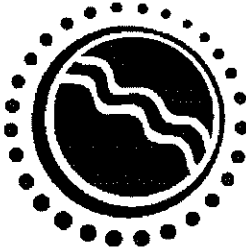


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JUL 24/02



Mackenzie Valley Environmental Impact Review
Board Box 938, 5102-50th Avenue,
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Date: Wednesday, July 24, 2002
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Pages: 6 including these the cover pages
File: EA01-004 De Beers Snap Lake Diamond Project

Subject: De Beers Information Update and Distribution of De Beers Draft Pre-Hearing Conference Guide

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If you are a Directly Affected Party or an Intervener putting larger (hundreds or pages) reports, colour maps or other material that cannot be easily duplicated please make sure you provide the Board 17 copies. The Review Board puts a copy on the public registry, distributes 15 to all the other Interveners and Directly Affected Parties, and one copy is provided to the Chair.

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~~email~~^{FAX} This provides an update on the status of the De Beers Environmental Assessment. As you know, the Review Board requested comments on its proposed amended work plan. It received comments and a *request for ruling*, asking to have technical reports submitted after the technical meetings. The Review Board is tentatively planning to meet in the first week of August to consider the draft work plan comments and the *request for ruling* with direction forthcoming shortly afterwards. Until then, De Beers is working to complete its responses to Information Requests to Round #1 and Round #2 and outstanding conformity items. If you have any questions regarding this environmental assessment please feel free to call me. The Review Board will distribute all materials received from all parties to the environmental assessment.

I have also taken the liberty of attaching a *draft Pre-meeting Conference Guide* that will facilitate and guide the technical meetings and public hearing. As it is a draft, it is subject to amendment by the Review Board.

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De Beers Environmental Assessment Pre-Hearing Conference Guide

Prepared by:
The Mackenzie Valley Environmental Impact Review Board
July 2002

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1 What Is A Pre-Hearing Conference?

The Pre-Hearing Conference offers you an important opportunity to get involved in the planning for the hearing/technical sessions at an early stage and to participate in shaping these processes and their outcomes.

A Pre-Hearing Conference is a meeting of all the parties in an environmental assessment with the Review Board staff and counsel. As much time as necessary will be committed to this step in the EA process, however, we plan to set a full day aside to be sure that all matters raised can be thoroughly discussed. Pre-Hearing Conferences are intended to prepare the environmental assessment for hearing and technical session. This includes identifying the issues in dispute, where possible reducing the scope and number of issues to be raised in a hearing, seeking agreement on procedural matters and preparing and exchanging necessary documents.

Any hearings or technical sessions will be more efficient if parties are familiar with the Review Board's procedures, are aware of any outstanding issues not resolved through the IR process and are not caught by surprise by documents introduced for the first time at the hearing or technical session. Pre-Hearing Conferences sometimes result in a settlement of some issues in dispute, although this is not their main goal. It is essential for the effectiveness of the Pre-Hearing Conference that each participant ensures that at least one of its representatives attending has full knowledge of the environmental assessment.

2 Notice of a Pre-Hearing Conference

The Review Board will publish a Notice of the Pre-Hearing Conference in local and regional newspapers. Directly Affected Parties and Interveners (parties with standing) are automatically invited to attend the Pre-Hearing Conference. Others may participate if they notify the Review Board of their intention to do so as soon as possible after the public notice of the Pre-Hearing Conference is published. The notice announcing the date, time and location of a Pre-Hearing Conference may contain a listing of topics to be addressed including:

- Clarification of the issues;
- Decide on the issues to be discussed at the hearing or technical session;
- Procedures to facilitate effective participation;
- Familiarizing participants with the Review Board's procedures;
- Setting a time table for the exchange of information and for preparations for the hearing or technical session;
- Any matter that may help simplify and carry out the hearing/technical session; and
- Date, time and location of the hearing/technical session.

3 What to Expect at a Pre-Hearing Conference

The Pre-Hearing will be informal. In all cases, however, the actual format will reflect the style of the Chair and the objectives of the particular Pre-Hearing. For the Pre-Hearing to be successful, the participants must speak freely.

3.1 How To Prepare For The Pre-Hearing Conference?

Reading the *De Beers Rules of Procedure* issued by the Review Board is important. It will be useful for participants to ask themselves the following questions as they prepare for the Pre-Hearing:

1. Exactly what are the issues in the environmental assessment?
2. Why are these issues being raised?
3. Is there any chance of resolving or addressing a particular issue or series of issues?
4. What are the relevant facts in the environmental assessment?
5. Do we agree with the facts?
6. Will we be calling expert witnesses?
7. On what documents will we be relying?
8. What documents should we provide to the other participants?
9. Can we provide those documents before or at the Pre-Hearing?
10. What documents do we need from the other parties and why do we need them?
11. How many days of hearing or technical session do we expect our matters to take?
12. How many days of hearing in total do we need?

3.2 What To Bring To The Pre-Hearing Conference?

Please come to the Pre-Hearing with the following material:

- A list of the issues to be addressed in the hearing or technical session.
- A list of documents you require from the other parties and reasons why you require the documents.
- A list of expert witnesses you intend to use, if any, and why.
- A list of your available dates in the event it is decided that more hearing dates are required than have already been set.
- Description of issues about which there is disagreement; description of efforts made to reach agreement, description of why agreement was not reached; and, resolution requested of the MVEIRB.

3.3 Need for Legal Counsel and Experts

It is not necessary that you retain the services of a lawyer to represent your interests at a Pre-Hearing Conference or hearing. However, you may wish to retain the services of a lawyer if there will be issues that involve legal complexities.

4 Overview of the Pre-Hearing Conference Process

The Review Board's Pre-Hearing Conference is not a formal event. It does however provide a structured format for the presentation of information and discussion. Typically, the meeting begins with opening remarks from the Chair. These may include a statement of the purpose of the Pre-Hearing Conference, and introduction of parties with standing participating in the Pre-Hearing Conference. Preliminary matters such as procedural or legal issues are usually considered next. This includes information needs of the participants, timing, location and issues to be considered at the hearing/technical session. Each participant is asked to present his or her concerns and suggestions for the upcoming hearing/technical session starting with the proponent in environmental assessment. The proponent also has an opportunity to respond after all participants have presented their views. Meeting notes of the pre-hearing conference will include a list of participants, views of the parties, issues discussed and any decisions.

Review Board Pre-Hearing Procedure

OPENING REMARKS

OPENING REMARKS

- Statement of the purpose of the Pre-Hearing Conference.
- Introduction of Board and staff.
- Registration of applicant and then participants.
- Exhibits and written submissions are filed.

PRELIMINARY MATTERS

PRELIMINARY MATTERS

- Discussion of any procedural, legal, or similar matters.

AGENDA ITEMS Procedural and scoping matters Participants in registration order

AGENDA ITEMS

For each agenda item:

- Comments by each participant including the applicant.
- Questions by Board Chair and Board staff/consultants.

For each participant including the Developer:

- Verbal summary arguments as to their "directly affected" status.
- Questions by the Developer, Board and staff/consultants.

Developer Closing Remarks

TIME AND LOCATION OF HEARING

TIMING AND LOCATION OF HEARING

For each participant:

- Verbal comment on hearing and location.
- Questions by the Board

CLOSING

CLOSING

- Board Chair will usually announce deferral of the Board's decision.

REPORT

REPORT OF MEETING

- Later, a Report of the Pre-Hearing Conference stating the decisions are distributed to all registered parties and made available to the public.