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Our File: 51163 JLH

**TELECOPIER COVER SHEET**

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: LUCIANO AZZOLINI  
 VERN CHRISTENSEN  
 JOE ACORN

FIRM: MVEIRB

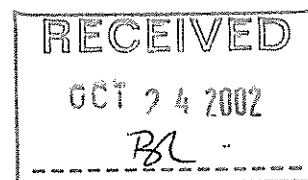
TELECOPIER NUMBER: (867) 920-4761

FROM: JANET L. HUTCHISON

DATE: October 21, 2002

NUMBER OF PAGES: 3 INCLUDING COVER PAGE  
 (If you do not receive all pages, please call 423 3661 as soon as possible)

RE: DEBEERS SNAP LAKE DIAMOND PROJECT - ENVIRONMENTAL ASSESSMENT  
 MCKENZIE VALLEY LAND AND WATER



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Attached is our letter to you dated October 23, 2002.

\*Denotes Professional Corporation  
 +Denotes Independent Association of Legal Practices

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Our File: 51163 JLH

October 23, 2002

**Via Fax Only**

**MacKenzie Valley Environment Impact Review Board**  
Box 938  
Yellowknife, NWT  
X1A 2N7

**Attention:** **Vern Christensen**  
**Luciano Azzolini**  
**Joe Acorn**

Dear Sirs:

**Re: DeBeers Snap Lake Diamond Project - Environmental Assessment**

I am writing to express my concerns about the recent developments regarding the scheduling of the Prehearing Conference.

On October 10, 2002, I requested a definite date for the Prehearing Conference. I advised Mr. Azzolini that I needed to know the date in order to schedule a pressing matter on another file. In Mr. Azzolini's emails of October 11, 2002, he advised that he would make inquiries, however, he was not able to provide me with a definite date. I continued to hold the week of November 4, 2002 open but by October 17, 2002 a date for the Prehearing Conference still had not been set. On October 17, 2002, I contacted Susan Hunt and advised her of the urgency associated with scheduling the other matter. In response to my call, I received an email from Mr. Christensen dated October 17, 2002. That email advised that the earliest dates for the Prehearing conference would be November 8<sup>th</sup> or 13<sup>th</sup>, 2002.

In my reply email dated October 17, 2002 I indicated that, based on Mr. Christensen's advice, I had booked the other matter for November 5<sup>th</sup> and 6<sup>th</sup>, 2002. Although I held my schedule open until I received Mr. Christensen's email, I relied on his advice and proceeded to book the other matter.

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**Mackenzie Valley Environment Impact Review Board**

Our File No: 51163

October 23, 2002

I wish to stress that it is not possible for me to reschedule the other matter. It is also a tribunal hearing. However, in that matter I represent the tribunal itself and thus cannot request an adjournment. Further, the public notices regarding the hearing dates have already been sent out. The hearing will involve a large number of community members who have already been told about the hearing dates. The Board is also under a statutory obligation to hold that hearing before November 11, 2002. That hearing cannot be rescheduled without my client jeopardizing its jurisdiction.

On Wednesday, October 23, 2002, I received a voicemail message and an email indicating that the Prehearing Conference would proceed on November 5<sup>th</sup> and 6<sup>th</sup>, 2002. Under the circumstances, it would be impossible for me to attend a Prehearing Conference on November 5<sup>th</sup> and 6<sup>th</sup>, 2002.

My client has chosen to have legal representation at the Prehearing Conference. Indeed, there are a number of procedural and legal issues that require my involvement. I am extremely concerned that if the Prehearing Conference proceeds on a date prior to November 8, 2002, my client's rights to procedural fairness in this process will be seriously prejudiced.

I am therefore writing to formally request that the Board, in consideration of all of these circumstances, issue a ruling or direction that the Prehearing Conference be scheduled for a date on or after November 8, 2002.

Given the limited time available, I would appreciate an immediate answer in order that we can determine whether any further legal steps must be taken prior to November 5, 2002.

Thank you for your attention to this matter.

Yours truly,

**CHAMBERLAIN HUTCHISON**



**PER: JANET L. HUTCHISON**

JLH:amt

cc: Client  
J.Donihee