

From: Janet Hutchison [jhutchison@nucleus.com]
Sent: Friday, February 14, 2003 11:41 AM
To: Colleen English; EA-SnapLake
Cc: Petr Komers; Bob Shelast; Joao Kupper; J. Michael Thoms; Bob TURNER; Stuart Gilby
Subject: RE: WTP Alternatives Selection and Comparison

Thank you Glenda. I am about to head into meetings for the afternoon. Given that your reply has not arrived and given your meeting with the Board on Monday, I will send our more detailed letter on Monday in order to avoid addressing the burgeoning procedural problems that we sincerely hope the Board will resolve on Monday.

I must reiterate once again that NSMA's participation in this process is conditional on, and not a waiver of, its objections regarding breach of the duty to consult and breaches of procedural fairness that continue to occur in this process.

On an additional point, I understand there have been several meetings/calls in the past two weeks regarding hydrogeology (Jan 29th), wildlife/migratory birds (Feb 5th and 7th), and fish habitat (Jan. 28th). We received very short notice of a phosphorus meeting. However, neither the NSMA, this office nor our consultants at Stantec were notified of these additional meetings / calls. The NSMA was denied the opportunity to participate in discussions on issues they have clearly flagged as items of concern. It is our position that this is a further violation of procedural fairness. I would appreciate an immediate explanation as to why no notice was given. Also, please advise if any aboriginal participants were notified of these meetings. *

We will be submitting technical reports today, however, our consultants could not comment on any of the new information on these unrealistic timelines. In relation to the suggestion of an addendum, we completely agree with the previous comments. The need for this haphazard and ad hoc approach should be a clear indicator that there is a fundamental problem with the current process. The timelines are simply inadequate to allow any government departments, let alone aboriginal communities, absorb the information and assess how it affects their interests. *

I have serious concerns about DeBeers comments about further information being sent in on an ongoing basis between now and February 28, 2003. The change to the workplan does not even allow adequate time to review the technical reports that will be released today before the Feb 28 prehearing conference. The current timelines certainly do not allow for review, community discussion and adequate preparation in relation to the additional information. Given the significance of the Prehearing conference process, the parties must - in essence- have adequate time to prepare their complete case for the hearing before the Prehearing conference. These timelines make that an impossibility. *

I trust the Board will act appropriately and extend all the remaining deadlines in this process. To proceed forward with the Feb 14th cutoff for technical comments, the Feb. 28 prehearing conference and the March 24th hearing is not consistent with the Board's ongoing acknowledgement that it is a quasi-judicial board that should be guided by the parameters of procedural fairness. *

I look forward to your reply to our questions and a report of the Board's decisions on Monday.

Regards,