

# **Mackenzie Valley** Environmental Impact Review Board

Our File: EA01-004

April 14<sup>th</sup>, 2003

Ms. Kris Johnson  
Land and Resource Coordinator  
North Slave Metis Alliance  
P.O. Box 340  
Yellowknife, NT  
X1A 2N3

Dear Ms. Johnson:

**Re: Request for an Adjournment of the De Beers Canada Mining Inc. Snap Lake Environmental Assessment Public Hearing**

We acknowledge receipt of the North Slave Metis Alliance's (NSMA) letter of April 11, 2003 in which you request an adjournment of the Snap Lake Environmental Assessment (EA) public hearing, scheduled to begin April 28<sup>th</sup>, 2003.

The Mackenzie Valley Environmental Impact Review Board (Review Board) has considered and decided on the best way to address this NSMA application. We outline the approach the Review Board will take to ruling on your adjournment request below. But before we do that I wish to address some of the other comments made in your April 11<sup>th</sup>, 2003 letter.

First, the written approach set out by the Review Board to address the preliminary concerns raised by the NSMA does not "exclude" them from the public hearing. The submissions of the NSMA and the other parties on these matters will be placed on the public record. Considering the legal significance of the issues raised by the NSMA, it is the Review Board's view that a written process will allow the parties who participate an opportunity to fully and carefully respond to the issues you have raised. The written submissions and the Review Board's ruling are all part of the EA process.

The Review Board must deal fairly with the issues raised by the NSMA. Our Rules of Procedure clearly indicate that a party raising an issue and seeking a Board ruling bears the onus of convincing the Review Board that the remedy sought is appropriate. This is a fundamental legal principle. It cannot be varied in response to the NSMA's funding situation without breaching the rules of fairness in respect of other parties to the EA. For

the same reasons, the Review Board cannot enter into discussions with the NSMA without involving all the parties to the EA.


Having considered the contents of the NSMA's letter of April 11<sup>th</sup>, 2003, the Review Board has decided that the adjournment application will be heard as part of the written process already established to respond to the NSMA's preliminary issues. A decision on the adjournment will be made at the same time as rulings on the other preliminary matters raised by the NSMA.

Please include any evidence with respect to the need for the adjournment with that related to the NSMA's preliminary matters. Your argument should also address the adjournment issue.

Other parties to the EA are advised to address the NSMA adjournment request in their submissions on the preliminary matters. The time lines for submissions in the Review Board's letters of April 8<sup>th</sup>, 2003 are not changed.

We trust that the Review Board's intentions are clear. If you have any questions, please contact Glenda Fratton (766-7052) or Board Counsel John Donihee at (403-282-6003).

Yours truly,

  
Gordon Wray  
Vice-Chair  
MVEIRB

