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**TELECOPIER COVER SHEET**

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TELECOPIER NUMBER: (867) 920-4761

FROM: JANET L. HUTCHISON

DATE: September 30, 2002

NUMBER OF PAGES: 4 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

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Please refer to the attached letter to Mr. Donihee dated September 30, 2002.

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

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September 30, 2002

**Via Fax Only**

**Mr. John Donihee**  
Barrister and Solicitor  
3516 Underhill Drive, S.W.  
Calgary, Alberta  
T2N 4E8

Dear Sir:

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

I am writing in relation to a number of matters arising from the September 5, 2002 meeting, Mr. Azzolini's email of August 27, 2002 and your letter of July 9, 2002. I note in your letter of July 9, 2002, you referred to our client as the North Slave Métis Association. Our client's name is the North Slave Métis Alliance. I would appreciate it if this could be corrected in future correspondence.

In regards to the comments in your letter of July 9, 2002 and NSMA's future participation in the process, I can advise that our client intends to participate in the process to the extent they are able, given their limited staff and resources. However, the volume of information and short timelines that have been imposed are making it extremely difficult for the NSMA to participate effectively. Also, their participation remains subject to the qualifications set out in our letter of July 3, 2002.

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In relation to our concerns about the Board meeting with parties, as a result of your letter and comments in the September 5, 2002 meeting, I have suggested to Board staff that it would be helpful if care was taken with use of the terms "the Board" and "Board staff". It appears those terms are being used interchangeably at times. This creates confusion as to which meetings and actions involve the Board members directly.

In your letter of July 9, 2002, you indicated the Board has not met with any parties directly. However, the letter also suggests that if meetings occurred they were public meetings. I would appreciate confirmation that the Board itself has never met directly with any of the parties to the current proceeding. My reference to "parties" includes parties who are also classified as technical experts pursuant to Section 22 of the *Act*.

In relation to the comments in the July 9, 2002 letter about the nature of the meetings with the technical experts, I note the July 2, 2002 meeting did not deal with technical issues. The notes of the meeting refer almost exclusively to process concerns. I would appreciate an explanation as to why all parties were not included in the July 2, 2002 meeting. Further, I would appreciate confirmation that, in the future, the process for the September 5, 2002 meeting will be adopted and all parties will be given an opportunity to attend meetings.

As noted above, I understood from your July 9, 2002 letter that Board meetings are public meetings. However, Mr. Azzolini's email of August 22, 2002 indicates the meetings are not normally open to the public. While this may be another instance of the "Board" versus "Board staff" terminology causing confusion, we would appreciate clarification on whether Board meetings are open to the public or not.

Finally, I wish to advise that we have some concerns about the fact that expert advisors who are also directly affected parties have been appointed pursuant to s.22 of the *Act*. Appointing some parties as technical experts suggests a greater deference or weight will be given to the technical evidence presented by the directly affected parties who are also technical experts. I would appreciate any comments you might have on that issue and any further insights you may have regarding the dual role of the expert advisors who are also directly affected parties.

I look forward to your response.

Yours truly,

**CHAMBERLAIN HUTCHISON**

**PER: JANET L. HUTCHISON**

JLH:amt

cc: Client  
L. Azzolini