

August 24, 2001

HAND DELIVERED

Chairperson  
Mackenzie Valley Environment Impact Review Board  
PO Box 938  
Yellowknife NT X1A 2N7

Attention: Mr. Gordon Lennie

Dear Mr. Lennie:

**SUBJECT: SNAP LAKE DIAMOND PROJECT**

De Beers advises that an error was made in our letter to you on August 22, 2001.

Paragraph 2 stated that:

"We further note that while reference is made to Rules 50-54 of the Review Board's draft Rules of Procedure, the request that INAC and CARC provide the Review Board with a clear and concise statement of the relevant facts, the decision being sought and rationale for making the recommendation and request, is a use of the words found in Rule 48."

We have confirmed that Rules 50-54 of the Review Board's draft Rules of Procedure are the applicable rules as originally stated in the Review Board's letter of August 16, 2001 to Mary Tapsell of the Department of Indian Affairs and Northern Development ("INAC") and Kevin O'Reilly of the Canadian Arctic Resources Committee ("CARC").

Sincerely,

**SNAP LAKE DIAMOND PROJECT**



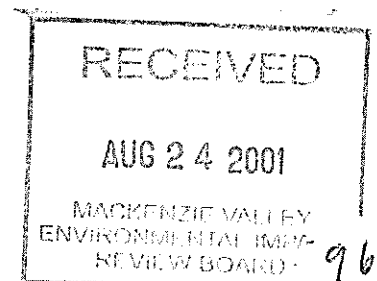
Robin Johnstone, PhD  
Senior Environmental Manager



RJ/hb

DE BEERS CANADA MINING INC.  
SNAP LAKE DIAMOND PROJECT

300 - 5102 50TH AVENUE  
YELLOWKNIFE NT X1A 3S8 CANADA  
TEL (867) 766 7300 FAX (867) 766 7347



# DE BEERS

A DIAMOND IS FOREVER

FACSIMILE

TO Gordon Lennie  
COMPANY MVEIRB  
FAX NO 920 4761  
  
FROM Robin Johnstone  
DATE August 22, 2001  
PAGES INCL 3

COPY

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File: 7.1.2.4

**SUBJECT: SNAP LAKE DIAMOND PROJECT**



**DE BEERS CANADA MINING INC.**

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# DE BEERS

A DIAMOND IS FOREVER

File:

August 22, 2001

VIA FAX  
ORIGINAL VIA MAIL

Chairperson  
Mackenzie Valley Environment Impact Review Board  
PO Box 938  
Yellowknife NT X1A 2N7

Attention: Mr. Gordon Lennie

Dear Mr. Lennie:

**SUBJECT: SNAP LAKE DIAMOND PROJECT**

De Beers Canada Mining Inc. would like to raise a procedural concern with the MVEIRB. It pertains to the MVEIRB's letter of August 16, 2001, addressed to Mary Tapsell of the Department of Indian Affairs and Northern Development ("INAC") and Kevin O'Reilly of the Canadian Arctic Resources Committee ("CARC") with respect to their recommendations/request for rulings that formal scoping meetings or hearings be held in respect of the Snap Lake Diamond Project Environmental Assessment (EA). Your letter requested that INAC and CARC submit information for the Board's consideration in support of the decision being sought (i.e. hearings).

We further note that while reference is made to Rules 50-54 of the Review Board's draft Rules of Procedure, the request that INAC and CARC provide the Review Board with a clear and concise statement of the relevant facts, the decision being sought and rationale for making the recommendation and request, is a use of the words found in Rule 48.

De Beer's concern is with the Review Board's application of its Draft Rules and Procedures, specifically, with the failure of the Board to provide the Applicant with an opportunity to reply. The rules of natural justice provide an applicant with an opportunity to be apprised of issues raised and an opportunity to address those issues fully. If the rules of natural justice and procedural fairness are to be applied, the Applicant must always have the right to reply in a timely fashion to each and every submission that any Intervener or member of the public may wish to make about the Application.

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**DE BEERS CANADA MINING INC.  
SNAP LAKE DIAMOND PROJECT**

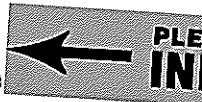
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# DE BEERS

A DIAMOND IS FOREVER

Mr. Gordon Lennie  
Re: Snap Lake Diamond Project

Page  
August 22, 2001



If you look back to the above referred letter of August 16, 2001, from the Review Board to Mary Tapsell and Kevin O'Reilly, what is missing, based upon the foregoing discussion, is an opportunity for the Applicant to be heard after the Interveners have provided the required information to the executive director on or before August 24, 2001. Our concern is that unless the Review Board amends its practices so that the Applicant will automatically have the right to reply, the process will be flawed and subject to Judicial Review.

The Review Board should first set a date for Interveners' submissions, then a later date for the Applicant to reply and the Interveners should have to copy the Applicant with their submissions as of the date they are submitted to the Review Board and the Applicant should likewise have to do the same thing with its reply. In this way, procedural fairness is achieved as the Applicant is given an opportunity to be heard on the submissions made by Interveners prior to the Review Board making its final determination.

In closing, it is our understanding that Review Board will make a decision on August 29<sup>th</sup> or 30<sup>th</sup> on information supplied by CARC and INAC. In order to ensure procedural fairness, may we therefore have from you a date by which De Beers may be heard, which should be later than August 24<sup>th</sup>, so that we may reply to any submissions made by either INAC or CARC, prior to the Review Board making a decision?

Sincerely,

**SNAP LAKE DIAMOND PROJECT**

Robin Johnstone, PhD  
Senior Environmental Manager

RJ/hb