

**Mackenzie Valley Environmental Impact Review Board
Information Request #1.1.69
Snap Lake Diamond Project Environmental Assessment
Environment Canada Response
June 3, 2002**

Source: Mackenzie Valley Environmental Impact Review Board

Reference: Directed to Government and reference to information included in the EAR is not pertinent to the question.

ToR Line: ---

Issue: Consultation with Affected First Nations

Preamble: Government has a legal obligation to "consult" with first nations whose rights may be infringed by approvals related to the development. The developer does not have a legal obligation to consult equivalent to that of government but should ensure the early notification and involvement of affected first nations in a participation process intended to assist the company, the MVEIRB and RAs to identify, avoid or mitigate impacts on the environment.

Request: Please provide the Review Board with a detailed summary of your government, department or agency's efforts to ensure effective consultation with first nations and Metis groups affected by the proposed development. Provide dates, and places of meetings, correspondence and details of other efforts to ensure adequate consultation. Indicate any plans for ongoing consultation efforts as the regulatory process unfolds.

Environment Canada Response:

Environment Canada does not administer any approvals related to the Snap Lake Diamond development and, therefore, this information request is not applicable to the Department. However, Environment Canada is committed to consulting First Nations, as required, on issues relating to its mandated responsibilities.

For instance the environmental effects monitoring required under the Metal Mine Effluent Regulations is specific to metal mines and, therefore, does not apply to diamond mines. An environmental agreement would cover the broader aquatic monitoring components beyond what is normally required under the water licence. Environment Canada is also mandated to deal with issues such as migratory birds and wildlife, neither of which would be adequately addressed by permits issued by the Land and Water Board or other regulatory bodies.

Environment Canada is in favour of efficient and effective environmental monitoring, whether it is achieved through an environmental agreement or under legislation.