

**Louie Azzolini**

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**From:** Terry DeMarco [tdemarco@sympatico.ca]  
**Sent:** Wednesday, May 22, 2002 10:09 AM  
**To:** Louie Azzolini  
**Subject:** MVEIRB procedure -- conformity check and IRs

Mr. Azzolini,

I am doing some research for a lawyer who is counsel to one of the parties involved in the DeBeers EA which -- as you would know better than anyone! -- is currently before the MVEIRB.

I am trying to gain a practical understanding of the Board's procedures, especially with respect to the conformity check and information requests. I have reviewed the draft Rules of Procedure, under which, I understand, the Board is currently operating until the final adoption process has been completed. Among the other documents that I have reviewed are the "Information Note on the MVEIRB's EA process", as well as the Round One and Two IRs that have been issued to date. At this point, I have a number of questions that I am hoping you can answer for me.

The Information Note provides an explanation of "conformity check", "deficiency statement" and "information requests". I have the following questions in that regard:

Has the conformity or deficiency statement been issued?

What is the significance of the conformity check/deficiency statement as far as the rest of the process is concerned? More specifically, what would be the effect of a party raising an issue in an IR that should have/could have been raised as a conformity issue? How might a party's failure to raise a conformity issue at the conformity check stage of the process affect that party's ability to advance their views?

I think that I understand Round One IRs and Round Two IRs. I note in the timelines for the project, however, that there are also Round Three IRs. Could you explain what is meant by Round Three IRs?

Also with respect to IRs, I note in the Rules of Procedure that IRs can be issued throughout the technical review phase and even after its completion. However, I understand that there is a deadline of May 27 for submitting IRs. What is the significance of that deadline?

I would appreciate it if you could get back to me today, if possible. If it would be more convenient to communicate by phone, you can reach me at 519-542-0568.

Thank you very much.

(Ms.) Terry DeMarco

5/22/2002

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