

News Release

15 April 2003

Funding for NWT Environmental Management in Question

The Canadian Arctic Resources Committee (CARC) is concerned that there has been no announcement of funding from the Department of Indian Affairs and Northern Development (DIAND) for key environmental management programs in the NWT for the fiscal year that began two weeks ago.

"There has been no indication of funding for this year for environmental management including work on cumulative effects, contaminated sites clean-up, participation in environmental assessments, protected areas and other initiatives," says Kevin O'Reilly, CARC Research Director. "In this current period of booming non-renewable resource development we are concerned about the lack of balance and the ability of the government to properly manage the impacts."

Unless money for environmental management is identified, DIAND may be unable to take part in important environmental processes, such as the review of diamond projects.

CARC is particularly concerned about the lack of any announcement for funding for this year, given DIAND's track record on environmental management commitments, including;

- cumulative impact monitoring under the constitutionally-entrenched Gwich'in and Sahtu land claims agreements is now five years behind schedule;
- a cumulative effects assessment and management framework was to be implemented by April 1, 2001 as a condition of approval of the Diavik diamond mine. The process of creating the framework has not been properly funded and to date, it is not in place; and
- clean-up of several abandoned mines in the North has not been completed, including Colomac and Giant.

In addition to these missed commitments, there is uncertainty over whether the federal government will continue previous levels of funding for the internationally-acclaimed Northern Contaminants Program, despite recent evidence of human health effects from northern contaminants, and the identification of new toxic threats.

For more information, contact:

Kevin O'Reilly, Research Director, CARC (867) 873-4715

For more information on CARC, visit www.carc.org

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Submitted by
Kevin O'Reilly on
May 5/2003.

EA-SnapLake

From: Bob Overvold [OvervoldB@inac-ainc.gc.ca]
Sent: Wednesday, February 05, 2003 2:44 PM
To: xcarc@ssimicro.com
Cc: Annette McRobert; cpawsnwt@theedge.ca
Subject: re: DIAND Policy on Land and Water Inspection Reports

Kevin,
Thank you for your email dated January 30, 2003 regarding the Department's policy on release of inspection reports.

The Department's policy has not changed regarding release of inspection reports to the Mackenzie Valley Land and Water Board's (MVLWB) public registry. Copies of inspection reports where there are no unresolved issues are routinely provided to the MVLWB, which places them on the public registry. Where there are issues as yet unresolved, copies are not currently provided to the MVLWB, until 'acceptable' corrective action is at least agreed to, and a credible commitment made. Inspection reports you may have seen that may have indicated problems, would have been released after the issue had been resolved.

I wish to assure you, that the MVLWB is informed by the inspector when significant irregularities are discovered, but are as yet pending resolution. In those instances, the inspector(s) are available to brief Board members and staff if requested.

Land use and water inspectors write reports of their findings following inspections of permitted and licenced operations. These reports record the initial findings of the inspector at that time. They serve two purposes. First, they form the basis for communicating the inspector's findings to the persons capable of and responsible for managing the operations, and they form a record for the inspector to refer to in future work.

Most inspections are subjective. Words like 'acceptable' or 'unacceptable' are used. For the most part, these are based on visual observations, and mentally compared to the inspector's expectations. While the inspector may direct a specific corrective action, this is seldom absolute, and frequently, as a result of more fulsome discussion, alternative remedies are agreed to and implemented. There are several reasons for not making public, reports which indicate an unacceptable condition.

First, the operator deserves an opportunity to view the report, and to comment on its validity. Second, an officer's initial impression that some aspect is 'unacceptable' is a long way from an accusation of wrong-doing, but it could well be mistaken for such by someone unfamiliar with the file, with environmental inspections, or with the details of the permit and regulations.

In addition, if the inspection report does reveal an unacceptable situation which might eventually lead to prosecution, the report will form part of the evidence used in trial. It is not appropriate, and denies the operator due process, if evidence is placed on a public record, open for discussion by all, before it is presented to a court, and passes the test of admissibility. Compromising the operator's right to due process would compromise the ability of this department to protect the environment by way of prosecution, when that is necessary.

Finally I wish to assure you that the Department will continue to

ensure protection of the North's environment through it's inspection and enforcement obligations, and to continue to ensure due diligence has been followed in all situations.

If you have any further questions on Inspection and Enforcement matters, please do not hesitate to contact me, or Annette McRobert, Director of Operations.

Bob Overvoid
Director General
Northwest Territories Region

>>> "Kevin O'Reilly" <xcarc@ssimicro.com> 01/30/03 03:20PM >>>
Bob

I had a discussion today with Annette McRoberts regarding the availability of DIAND land and water inspection reports. I was told that it is DIAND's position that inspection reports are sent to the Mackenzie Valley Land and Water Board but only if there are no compliance issues outstanding. I understand the need for DIAND to be able to follow-up on non-compliance but how is the public to know what is going on at a land use permitted or water licenced operation if the reports cannot be made public? I have seen inspection reports on the public registries that indicate problems. Is the non-disclosure practice a new policy?

Thanks for your time and help.

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Kevin O'Reilly
Research Director
Canadian Arctic Resources Committee
3rd Floor, 4910 50th Street (MacKay Building)
Mailing Address: Box 1705
Yellowknife NT
Canada X1A 2P3
867-873-4715 Phone
867-920-2685 Fax
e-mail: xcarc@ssimicro.com
website: www.carc.org

EA-SnapLake

From: Kevin O'Reilly [koreilly@theedge.ca]
Sent: Monday, May 05, 2003 3:52 PM
To: EA-SnapLake
Subject: Re: Snap Lake Public Registry

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed



re: DIAND Policy on Land and ... KOR Resume.doc

Glenda

Would you kindly place the following on the Snap Lake environmental assessment public registry:

1. An e-mail exchange between the DIAND Regional Director General and myself on inspection and disclosure policy.
2. My resume.
3. http://www.ceaa.gc.ca/0009/0003/0025/rel991103_e.htm This is the link to the original Environment Canada News Release on the Minister of the Environment's approval of the Diavik Comprehensive Study Report. I have pasted the text below:

Minister of the Environment Sends Diavik Diamonds Project to Regulatory Phase

OTTAWA, November 3 , 1999 - Minister of the Environment David Anderson has concluded that with the implementation of all of the mitigation measures identified in the comprehensive study report, the proposed Diavik Diamonds Project is not likely to cause significant adverse environmental effects. The Minister also concluded that public concerns do not warrant further environmental assessment of this project by a review panel. Minister Anderson informed the ministers of Indian Affairs and Northern Development, Natural Resources and Fisheries and Oceans of his decision in a letter dated November 1, 1999.

"Public consultation on the Diavik diamond mine proposal has been extensive, totaling over 300 meetings. Eighteen months were taken to review the proponent's environmental assessment. Throughout, this process has been open and inclusive, valuing public participation. Steps were taken to fully involve all interested parties and address issues," Minister Anderson said. "I fully support the conclusions of the environmental assessment report prepared by the federal responsible authorities for the project. While a referral to a review panel is not warranted, I have concluded that in order to address concerns raised through public consultation and views expressed by the Mackenzie Valley Environmental Impact Review Board, specific commitments are warranted. These commitments will also contribute to further reducing any residual environmental effects," the Minister added.

These commitments specify that:

1. a regional cumulative effects management framework, in which the project proponent will participate, will be designed and implemented. All

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appropriate federal, territorial and Aboriginal governments, regulatory agencies, non-governmental organizations, as well as appropriate industry, including Diavik, should be involved in the design and implementation of the management framework.

This framework must consider both scientific and traditional knowledge, and be used in conjunction with adaptive management to ensure sustainable development, as suggested in comments by the Mackenzie Valley Environmental Impact Review Board and others. An action plan to finalize the framework should be developed with interested parties and presented to ministers by March 31, 2000, and the final framework should be implemented by April 1, 2001;

2. related to this, and in conjunction with the regional cumulative effects management framework, the responsible authorities and Diavik Diamond Mines Inc. establish a monitoring mechanism to ensure that monitoring of the Diavik operation occurs. The monitoring mechanism should involve Aboriginal peoples. Given the multi-year nature of the project, regular reports should be prepared by Diavik Diamond Mines Inc. and submitted to the responsible authorities with respect to project activities and how public concerns are being addressed. These monitoring activities should also be integrated into the overall regional cumulative effects management framework;

3. federal regulatory approvals ensure that Diavik's abandonment and restoration plan, referred to in the comprehensive study report and submitted by Diavik Diamond Mines Inc. as part of the regulatory approvals process, be revised, adapted, and approved as necessary over the life of the mine. The abandonment and restoration plan should be based on new information and technology as well as regulatory requirements so that the project will be abandoned incrementally, in a manner consistent with sustainable development.

Minister Anderson also concluded that the design and the implementation of a follow-up program, to determine the effectiveness of measures taken to mitigate any adverse environmental effects and to verify the accuracy of the environmental assessment of the project, was warranted.

The Minister took his decision in full consideration of the comprehensive study report, all public comments received, including those from Aboriginal organizations, as well as the response by federal responsible authorities on public comments and the views of the Mackenzie Valley Environmental Impact Review Board.

Minister of Indian Affairs and Northern Development Robert Nault, on behalf of the federal responsible authorities, is pleased with the Minister of the Environment's decision and that the Diavik Diamonds Project may now proceed to the regulatory phase. "The Diavik Diamonds Project has the support of the Government of Canada. The responsible authorities are confident that, with the implementation of the mitigation measures identified in the Comprehensive Study report, the project will have no significant adverse environmental effects," Minister Nault said.

The Department of Indian Affairs and Northern Development will assume the lead in seeing that these mitigation measures, together with the specific commitments identified by the Minister of the Environment, are implemented through the terms and conditions of regulatory instruments or through agreements with the proponent.

"The Diavik project is important, not only for the Northwest Territories, but for all of Canada. Northerners stand to realize very significant direct benefits from job creation and business opportunities," said Minister Nault.

The next step in this process is a regulatory phase whereby the appropriate licences, permits and agreements are provided so that the development of the

project is done in an environmentally sound manner, based on the Minister of the Environment's determination and the recommendations and conclusions in the comprehensive study report. These requirements will be met through the terms and conditions of the project's water licence, land lease, Fisheries Act authorization, explosives licence, Navigable Waters Protection Act permit and the Environmental and Socio-economic agreements.

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The Project

Diavik Diamonds Project is a proposal by Rio Tinto and Aber Diamond Mines Ltd. to mine four diamond deposits in the Lac de Gras region about 300 kilometres northeast of Yellowknife, Northwest Territories. The projected mine life is expected to be 16 to 22 years. The operating phase is expected to employ about 400 people.

Socio-economic Monitoring Agreement

The proponent, Diavik Diamond Mines Inc., announced on October 1, 1999 that it entered a Socio-economic Monitoring Agreement with the government of the Northwest Territories. The Agreement addresses several of a number of recommendations contained in the comprehensive study report for the project prepared by the federal responsible authorities. It formalizes socio-economic commitments made by the proponent and recommendations arising from the comprehensive study report.

Environmental Assessment

Environmental assessment is a planning tool used to identify possible adverse effects of development projects on the environment - the air, water, land and living organisms, including human populations. By eliminating or reducing these effects, project proponents can avoid expensive, and sometimes controversial corrective action once the project has been completed.

Regional Cumulative Effects Management Framework

Development places stress on the relatively undisturbed and unpolluted ecosystems of the North. Various agencies have been working for some time to develop an environmental management framework for the NWT. Such a framework will be a proactive measure to protect the health of the environment and those that depend on it, while supporting timely development and resource management decisions.

For more information, please contact:

John P. Fraser
Press Secretary
Minister of the Environment
(819) 997-1441

Gordon Harris
Sr. Communications Advisor
Canadian Environmental Assessment Agency
(819) 953-1856

Lorne Tricoteux
Associate Regional Director General
NWT Region
Department of Indian Affairs and Northern Development
Tel: (867) 669-2501

Ron Allen

Area Manager, Northwest Territories Area
Fisheries and Oceans Canada
Telephone: (867) 669-4902

Cecile Suchal
Account Executive, Media
Communications Branch
Natural Resources Canada
(613) 992-4447

BACKGROUNDER

Thank you.

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Kevin O'Reilly
Research Director
Canadian Arctic Resources Committee
3rd Floor, 4910 50th Street (MacKay Building)
Mailing Address: Box 1705
Yellowknife NT
Canada X1A 2P3
867-873-4715 Phone
867-920-2685 Fax
e-mail: xcarc@ssimicro.com
website: www.carc.org

----- Original Message -----

From: "EA-SnapLake" <EA-SnapLake@mveirb.nt.ca>
To: "Alan Ehrlich" <AEhrlich@mveirb.nt.ca>; "Anne Wilson (E-mail)" <anne.wilson@ec.gc.ca>; "Bridgette Larocque" <blarocque@mveirb.nt.ca>; "Buddy Williams (E-mail)" <williamsb@inac.gc.ca>; "Burgess Margo (E-mail)" <mburgess@nrcan.gc.ca>; "CARC (E-mail)" <carc@theedge.ca>; "Chamber of mines ED (E-mail)" <mvaydik@ssimicro.com>; "Chris (E-mail)" <denenationcp@ssimicro.com>; "Chuck. Blyth (E-mail)" <Chuck.Blyth@pc.gc.ca>; "Colleen English (E-mail)" <colleen.english@ca.debeersgroup.com>; "CPAWS (E-mail)" <cpawsnwt@theedge.ca>; "Dawn' Kelly (E-mail)" <Dawn_Kelly@golder.com>; "Dennis Bevington (E-mail)" <dbevington@auroranet.nt.ca>; "DFO David (E-mail)" <BalintD@DFO-MPO.GC.CA>; "Doug Soloway (E-mail)" <SOLOWAD@tc.gc.ca>; "Ecology North (E-mail)" <econorth@ssimicro.com>; "Elaine Blais (E-mail)" <blaise@dfo-mpo.gc.ca>; "Eric Denholm (E-mail)" <edenholm@gartnerlee.com>; "Fairman Fraser (E-mail)" <FairmanF@inac.gc.ca>; "Football Adeline (E-mail)" <Adelinca@hotmail.com>; "Galbraith Empson (E-mail)" <galson@telusplanet.net>; "Gavin More (E-mail)" <Gavin_More@gov.nt.ca>; "General MVLWB (E-mail)" <mvlwbpermit@mvlwb.com>; "Glenda Fratton (E-mail)" <gfratton@gartnerlee.com>; "Golder Green Leslie (E-mail)" <lgreen@golder.com>; "Golder Machtans Hillary (E-mail)" <hmachtans@golder.com>; "Government Akaitcho (E-mail)" <ATgovt@ssimicro.com>; "J. Michael Thoms NSMA (E-mail)" <michaelthoms@shaw.ca>; "Jagtar Sandhu (E-mail)" <Jagtar_Sandhu@hc-sc.gc.ca>; "Janet Hutchison (E-mail)" <jhutchison@nucleus.com>; "Jason Lepine (E-mail)" <ima.nwtmn@gardtal.com>; "Jason McNeill (E-mail)" <Jason_McNeill@gov.nt.ca>; "Jean Teillet (E-mail)" <jteillet@papeandsalter.ca>; "Jennifer Keith (E-mail)" <Keith_Jen@hotmail.com>; "Joan Freeman (E-mail)"

<jfreeman@rfi.on.ca>; "John Donihee (E-mail)" (E-mail)"
 <donihee@telusplanet.net>; "John Donihee (E-mail2)" (E-mail)"
 <donihee@ucalgary.ca>; "John McConnell (E-mail)" (E-mail)"
 <John.McConnell@ca.debeersgroup.com>; "John Ramsey (E-mail)"
 <jramsey@NRCan.gc.ca>; "Judy Langford (E-mail)" (E-mail)"
 <judy.langford@ca.debeersgroup.com>; "Julie Dahl (E-mail)" (E-mail)"
 <DahlJ@dfo-mpo.gc.ca>; "Kevin Ledrew (E-mail)" (E-mail)"
 <kevin.ledrew@ca.debeersgroup.com>; "Kris Johnson (E-mail)" <kris@nsma.net>;
 "Letha MacLachlan letha (E-mail)" (E-mail)" <letha@canada.com>; "Lisa Best
 (E-mail)" <geonorth@theedge.ca>; "LKDFN Wildlife Lands Environment Ctte
 (E-mail)" (E-mail)" <wildlife@lutselke.com>; "Louie Azzolini (E-mail)"
 <lucianoa@theedge.ca>; "Lutsel K'e Dene First Nation (E-mail)" (E-mail)"
 <Ritac@Lutselke.com>; "Lutselk'e Agatha (E-mail)" (E-mail)"
 <ARLaboucan@lutselke.com>; "Mark Dahl (E-mail)" (E-mail)"
 <Mark.Dahl@ec.gc.ca>; "Mary Tapsell (E-mail)" (E-mail)"
 <tapsellm@inac.gc.ca>; "Matt Bender (E-mail)" (E-mail)"
 <benderm@inac.gc.ca>; "Mike Fournier [Yel] (E-mail)" (E-mail)"
 <Mike.Fournier@EC.GC.CA>; "Morison Steve (E-mail)" (E-mail)"
 <smorison@gartnerlee.com>; "Nick Lawson (E-mail)" (E-mail)"
 <nlawson@jacqueswhitford.com>; "NSMA Bob Turner (E-mail)" (E-mail)"
 <bobz@nsma.net>; "Nunavut Impact Review Board (E-mail)" (E-mail)"
 <SBriscoe@polarnet.ca>; "Rachel Crapeau (E-mail)" <rachelc@ykdene.com>;
 "Rae-Edzo Metis Local #64 (E-mail)" (E-mail)" <garth@nt.sympatico.ca>;
 "Robin Johnstone (E-mail)" <robin.johnstone@ca.debeersgroup.com>; "Roy
 Ellis (E-mail)" (E-mail)" <ellis@internorth.com>; "S. Kristyn (E-mail)"
 (E-mail)" <kristyn@mvlwb.com>; "Stephen Harbicht (E-mail)" (E-mail)"
 <stephen.harbicht@ec.gc.ca>; "Steve Mathews (E-mail)" (E-mail)"
 <steven_matthews@gov.nt.ca>; "Steve Wilbur (E-mail)" <swilbur@entrix.com>;
 "Sue I. (E-mail)" (E-mail)" <Ravencom@ssimicro.com>; "Tamara Hamilton
 (E-mail)" (E-mail)" <HamiltonT@inac.gc.ca>; "Tim Byers (E-mail)"
 (E-mail)" <bbyers@escape.ca>; "Tony Pearce (E-mail)" (E-mail)"
 <tpearce@gulfislands.com>; "Vern Christensen, Executive Director"
 <vchristensen@mveirb.nt.ca>; "Vuzi Opel (E-mail)" <Opel_Vuzi@hc-sc.gc.ca>;
 "Wha Ti First Nation (E-mail)" (E-mail)" <laura@whatidene.org>; "William
 (Bill) Carpenter (E-mail)" (E-mail)" <wwfnwt@mailmarinenet.net>; "WWF -
 Peter J. Ewins (E-mail)" (E-mail)" <Pewins@wwfcanada.org>; "WWF Tony Y.
 (E-mail)" (E-mail)" <tiacobelli@wwfcanada.org>; "YK Chamber of Commerce"
 (E-mail)" (E-mail)" <execdir@ykchamber.com>; "Zabey Nevitt (E-mail)"
 <zabey@tlicho.com>

Sent: May 5, 2003 2:38 PM

Subject: Transcripts - Snap Lake Public Hearing

Please note that transcripts for the De Beers Snap Lake Public Hearing can be accessed through the internet at "tscrip.com". Once in the website, click on Transcript Repository, then click on Mackenzie Valley Environmental Impact Review Board. You can then choose which days you would like to view from the calendars shown.

We will be putting a link to the transcripts from the MVEIRB website shortly.

Glenda

Glenda Fratton
 De Beers Snap Lake Environmental Assessment Coordinator
 Tel: (867) 766-7052
 Fax: (867) 766-7074
 E-mail: ea-snaplake@mveirb.nt.ca