



Snowfield
EA-03-006

Chief Darrell Beaulieu
Yellowknife's Dene First Nation (Ndilo)
Box 2514
Yellowknife, NT X1A 2P8

August 19, 2004

AND

Chief Peter Liske
Yellowknife's Dene First Nation (Dettah)
Box 2514
Yellowknife, NT X1A 2P8

Dear Chief Beaulieu and Chief Liske:

RE: Snowfield Development Report of Environmental Assessment

I am in receipt of your letter of July 25th, 2004 addressing the post environmental assessment (EA) decision making process for Snowfield Development. The Review Board welcomes the opportunity to respond to your expression of concern with respect to the consultation process in that EA. As you have indicated in your letter, the question of how to properly conduct a consultation under section 130 of the *Mackenzie Valley Resource Management Act* (MVRMA) is one of significant importance to the Review Board, the parties to an EA as well as to the final decision maker, in this case, the Minister of Indian Affairs and Northern Development.

The Review Board has invested considerable time and resources in the analysis of the MVRMA provisions which establish the consultation process. We have developed a Reference Bulletin (attached) which sets out the Board's position on appropriate consultation procedures. This Bulletin is based on both internal and external legal advice and although not finally approved by the Review Board until recently, I can advise that the Snowfield consultation conformed to the procedures set out in the Bulletin.

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The Bulletin sets out the Review Board's view that questions about the direct involvement of other parties and about the fairness of consultation processes are the responsibility of the decision making authority which requests the consultation, in this case, the Minister of DIAND.

The Review Board takes its obligations to be fair very seriously but we are also bound by the legal framework set out in the MVRMA. In the Snowfield case, we specifically did not withhold information about the final decision making process. That process is set out in the MVRMA. As I have indicated above, it is our view that the responsibility for involving other parties in a consultation rests with the final decision makers.

Finally, as the Bulletin indicates, the Review Board is committed to transparency and accountability in all stages of the EA process. We have made a specific commitment to placing all materials relevant to a consultation on the public record for an EA. It is not, however, our role or do we have the authority to invite other parties to an EA to a consultation meeting convened by the federal Minister, responsible ministers or the National Energy Board.

I trust that this reply and the Consultation Reference Bulletin attached will clarify our views on the process and our intentions about the role the Review Board will play in future consultations. If you have any questions please feel free to contact Mr. Vern Christensen, Executive Director of the MVEIRB.

Yours truly,


Todd Burlingame
Chair

CC: Lorne Tricoteaux, INAC, Box 1500, YK.

Att

