

Mackenzie Valley Environmental Impact Review Board

Box 938, 5102-50th Avenue, Yellowknife,
NT X1A 2N7

Date: Friday, October 10, 2003
From: Alan Ehrlich
Pages: 4 including these two cover pages
File: EA01-004 De Beers Snap Lake Diamond Project
Subject: Ministerial Sign-Off

Please see the attached letter from DIAND Minister Nault, received today (Oct. 10th, 2004).

Robin Johnstone, De Beers™	766-7347
Bob Turner, NSMA	669-7442
Rachel Crapeau, YDFN, Dettah and N'dilo	873-5969
Steve Ellis, Lutselk'e Dene Council	(867) 370-3010
Cecil Lafferty, Fort Resolution Metis Council	(867) 394-3322
Maurice Boucher, Deninu Ku'e Envir. Working Committee	(867) 394-5122
Maurice Boucher, Akaitcho Territory Government	(867) 394-3413
Jolene Koyina, Dogrib Treaty 11 Council	766-3441
Steve Conway, Dogrib Rae First Nation	(867) 392-6150
Violet Camsell-Blondin, Dogrib Treaty 11 Council	(867) 392-6389
Yellowknife Metis Local #66	873-4097
Laura Duncan, Wha Ti First Nation	(867) 573-3222
Lana Paulson, Gameti First Nation	(867) 997-3411
Jennifer Keith, Dechi Laot'i First Nation	(867) 713-2030
Chris Paci, Dene Nation	920-2254
City Clerk, City of Yellowknife	920-5649

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From Alan Ehrlich
MVEIRB
P.O. Box 938
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Phone (867) 766-7053
Fax (867) 766-7074

Mike Richards, Hamlet of Rae-Edzo	(867) 392-6139
Tom Matus, Charter Community of Wha Ti	(867) 573-3018
Brett Hudson, GNWT	873-0114
Mark Dahl, Environment Canada	873-8185
Julie Dahl, Marc Lange, DFO	669-4940
John Ramsey, NRCan	(613) 995-5719
Bob Wooley, MVLWB	873-6610
Fraser Fairman, Tamara Hamilton, INAC	669-2701
Kevin O'Reilly, CARC	873-3654
Alexandra Borowiecka, Ecology North	920-2986
Bill Carpenter, WWF TM , Canada	920-4999
Tony Iacobelli, M.Sc., WWF TM , Canada	416-489-3611
Yellowknife Chamber of Commerce	920-4640
Town of Hay River	(867) 874-3237
Murray Swyripa Diavik TM Diamond Mines Ltd.	669-9058
Derek Chubb Ekati TM BHP Mines Diamond Mine Inc.	669-9293
NWT Chamber of Mines	920-2145
NWT Chamber of Commerce	873-4174
Pape & Salter Barristers and Solicitors	604-681-3050

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Minister of Indian Affairs
and Northern Development

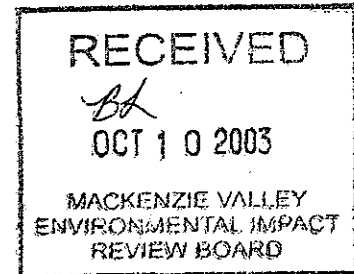


Ministre des Affaires
indiennes et du Nord canadien

Ottawa, Canada K1A 0H4

OCT 10 2003

Mr. Todd Burlingame
Chair
Mackenzie Valley Environmental Impact Review Board
PO Box 938
5102-50th Avenue
YELLOWKNIFE NT X1A 2N7



Dear Mr. Burlingame:

Re: Response to the Snap Lake Diamond Project Panel which was chaired by Mr. Gordon Wray

As the Federal Minister and on behalf of the Responsible Ministers with jurisdiction related to this development, I am writing to convey our decision on the recommendation contained in the Report of Environmental Assessment (the "EA Report") for the De Beers Canada Mining Inc. proposed Snap Lake Diamond Project, submitted by the Mackenzie Valley Environmental Impact Review Board (the "Review Board") on July 24, 2003. After reviewing the above noted EA Report and pursuant to subparagraph 130 (1)(b)(i), of the *Mackenzie Valley Resource Management Act* (the "MVRMA"), the Responsible Ministers and I have agreed to adopt the recommendation of the Board made under subparagraph 128 (1)(b)(ii), of the MVRMA.

We agree with the Review Board's determination that the development is likely to have a significant adverse impact on the environment, and that mitigation measures are necessary to prevent such impacts. However, we note that what the Review Board has referred to in the EA Report as recommended measure #30 speaks to future environmental assessments and not the Project proposal that was the subject of this particular assessment. Subsection 128(1) of the MVRMA states:

On completing an environmental assessment of a proposal for a development, the Review Board shall,...

(b) where the development is likely in its opinion to have a significant adverse impact on the environment,...

(ii) recommend that the approval of the proposal be made subject to the imposition of such measures as it considers necessary to prevent the significant adverse impact;

This provision of the MVRMA confines the Review Board to focus on recommending measures necessary to prevent the significant adverse impact of *the development under assessment*. Accordingly, we thank the Review Board for the recommendation

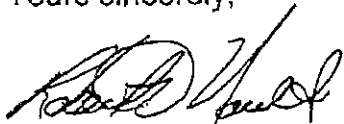
Canada

outlined in measure #30 but we must consider it as a general suggestion only which cannot interfere with the exercise of our discretion when considering future projects.

As you know, subsection 130(5) of the MVRMA provides that a first nation, local government, regulatory authority or department or agency of the federal or territorial government affected by the decision made under section 130 must act in conformity with the decision to the *extent of its authority*. With regard to recommended measure #32, government funding decisions are subject to the annual appropriation of funds by the Parliament of Canada or the Legislative Assembly of the Northwest Territories, as the case may be. That said, we will commit to expending reasonable efforts to meet the intent of this measure.

Finally, I understand the Review Board has planned a Lessons Learned Workshop in the fall of 2003 on the De Beers Environmental Assessment process. We believe this will be an important exercise and my regional staff are available to assist you in its organization and the identification of issues for discussion.

Yours sincerely,



Robert D. Nault, PC, MP

c.c.: The Honourable Robert G. Thibault, Minister of Fisheries and Oceans
The Honourable David Anderson, Minister, Environment Canada
The Honourable Jim Antoine, Minister, RWED, Government of Northwest Territories
The Honourable Herb Dhaliwal, Natural Resources Canada
Melody McLeod, Chairperson, Mackenzie Valley Land and Water Board

DeBeers P.R.

**Lutsel K'e Dene Band**

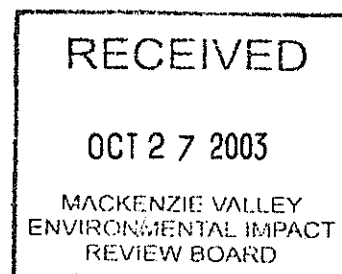
Post Office Box 28
Lutsel K'e, Northwest Territories
X0E 1A0

Telephone: 867 370-3051
~~867 370-3051~~

Monica Krieger, Manager
Wildlife, Lands & Environment Dept.

October 21, 2003

Mackenzie Valley Environmental Impact Review Board
Box 938, 5102-50 Ave.
Yellowknife, NT X1A 2N7
Ph. (867) 766-7050
Fax (867) 766-7074

**Re: Documents on Public Registry for Snap Lake EA**

We are attempting to compile all of our files related to the DeBeers Snap Lake Environmental Assessment. I have discovered that a number of items of correspondence that are listed on the public registry are not in our files. I would like to obtain a copy of these as soon as possible. They are listed on the public registry as the following item numbers:

532	669	768	834
648	683	769	836
649	695	772	894
653	727	778	895
662	766	794	939
668	767	795	

***Please fax these documents to (867) 370-3143 as soon as possible. This is the Wildlife Dept. direct fax line, and we will get them much faster than if they go to the regular band office fax. Alternatively, you could email them to wildlife@lutselke.com, although our email has not been very reliable lately.**

If you have any questions, please call me at (867) 370-3051.

Sincerely,

Monica Krieger