

Mackenzie Valley Land and Water Board
7th Floor - 4910 50th Avenue
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

FILE NUMBER: MV2001C0012 &
MV2001L2-0002

DATE: November 24, 2003

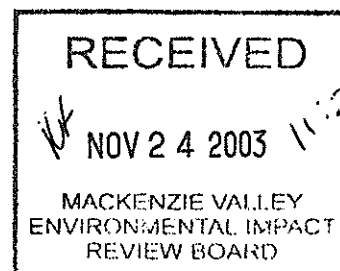
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FAX NUMBER: (867) 766-7347

FROM: Marilyn for Lisa Hurley

Number of pages including cover 22

➤ Attached for your review



Pls put this with
the Snop Lake Review
Files.

M.

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November 20, 2003

Application MV2001C0012 & MV2001L2-0002

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Government

Ed Hornby	South Mackenzie District Office	669-2720
Tom Andrews	GNWT - Prince of Wales Heritage Museum	873-0205
Mark Davy	GNWT - MACA	920-6343
Duane Fleming	GNWT - Health	873-0122
Jason McNeil	GNWT - RWED	873-4021
Angela Plautz	GNWT - DOT	920-2565
Mike Fournier	Environment Canada	873-8185
Elaine Blais	DFO	669-4940
John Ramsey	NRCan	613-995-5719

Others

Vern Christensen	MVEIRB	766-7074
Kevin O'Reilly	CARC	873-3654
Greg Yeoman	CPAWS	973-9593
Alexandra Borowiecka	Ecology North	920-2986
Bill Carpenter	WWF	920-4999
Robin Johnstone	De Beers Canada Mining Inc.	766-7347
Jean Teillet	Pape & Salter	604-681-3050
Tyler Hicks	IT Specialist	MVLWB

**Mackenzie Valley Land and Water Board**

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November 24, 2003

File: MV2001C0012 &
MV2001L2-0002**Distribution List:****Licensing and Permitting of the Snap Lake Diamond Project**

The original deadline for Information Requests pertaining to the Licensing and Permitting of the Snap Lake Diamond Project has passed (November 14, 2003). Attached are the Information Requests and letters received prior to this deadline. In response to these letters, we are proposing changes to the process that is currently being undertaken by the Mackenzie Valley Land & Water Board.

Under the new process, the relevant Information Requests will be forwarded to all parties including De Beers Canada Mining Inc. (De Beers) for their review and response. Included, is the request for a Consolidated Project Description.

Once the Consolidated Project Description has been completed, this will be forwarded to reviewers. The next step will be a meeting between all interested parties and De Beers in the form of a Technical Session on December 17 - 18, 2003 to address the Information Requests which have been submitted as well as those which may arise upon review of this document. The minutes of this meeting will be placed in the Public Registry at the Mackenzie Valley Land & Water Board office. Public notice of these minutes will be made, allowing members of the general public a chance to review and comment on them.

A revised Work Plan Timeline has been developed leading up to the Public Hearing scheduled for January 27-28, 2004 and is attached to this letter.

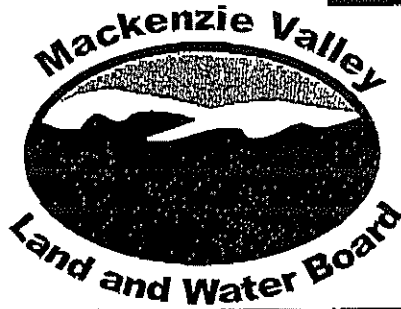
Should you have any questions please contact me at (867) 669-0506 or mvlwbpermit@mvlwb.com

Yours sincerely,

A handwritten signature in black ink, appearing to be "Lisa Hurley". The signature is stylized with a large, looped initial "L" and a clear "H".

Lisa Hurley,
Regulatory Officer

Attachments



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7th Floor - 4910 50th Avenue
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

Revised Work Plan Timeline for the
Licensing and Permitting of the De Beers Canada Mining Inc.,
Snap Lake Diamond Mine Project

October 10, 2003 – Ministerial Decision received by the Mackenzie Valley Environmental Impact Review Board & Mackenzie Valley Land and Water Board (MVLWB).

October 20, 2003 – A Call for Information Requests was sent to Reviewers. The Deadline for these was set at November 14, 2003.

November 3, 2003 – Discharge Criteria session for reviewers provided by the proponent. Notice was sent to reviewers by proponent on Oct. 24, 2003.

November 14, 2003 – Deadline for Information Requests.

November 24, 2003 – Proponent to submit Consolidated Project Description to the Board for distribution to reviewers.

December 8, 2003 – Comments due from reviewers. These comments will help shape the agenda for the Technical Session.

December 17 & 18, 2003 – Technical Session to address any Information Requests and comments received from reviewers.

December 23, 2003 – De Beers to submit Basic Evidence for the Public Hearing to the MVLWB.

January 5 - 12, 2004 – Interveners to review Basic Evidence submitted by De Beers and prepare Interventions. Intervention deadline January 12, 2004

January 12 - 19, 2004 – De Beers to prepare response to Interventions.

January 19, 2003 – Presentation Deadline

January 27-28, 2004 – Public Hearing

INFORMATION REQUEST

Applicant: De Beers Canada Mining Inc.	
Location: Snap Lake	Application No.: MV2001C0012 & MV2001L2-0002
Reviewer: Gavin More, GNWT	Email: gavin_more@gov.nt.ca
Subject: Landfarming Plan and Criteria	

OBJECTIVES: To ensure there is adequate and appropriate information is available for the landfarming option prior to permitting of the Snap Lake Diamond Project.

REFERENCES:

Report of Environmental Assessment for Decision on the De Beers Canada Mining Inc. Snap Lake Diamond Project Issued by Mackenzie Valley Environmental Review Board July 24, 2003 - 2.20.3.2 Landfarm and Landfill

PREAMBLE:

The Mackenzie Valley Environmental Review Board confirmed the acceptance of De Beers proposed use of landfarming to remediate hydrocarbon contaminated soils. This was partly based on De Beers commitment to terminating the use of landfarming should it not be effective.

"In response to GNWT's concerns regarding the management of hydrocarbon contaminated soils and the location of facilities for remediation of such soils, De Beers indicated land farming will be used for remediating hydrocarbon contaminated soils. De Beers confirmed that the landfarm will be operated in accordance with GNWT guidelines. The landfill and the land farm will initially be placed in the eastern section of the North Pile. Once the eastern section of the North Pile nears completion, those landfill and landfarm sites will be closed and decommissioned. Any hydrocarbon contaminated soils still exceeding GNWT guidelines will be transferred to a second land farm, or taken off-site for disposal or treatment. De Beers indicated that land farms are a proven technology for remediating hydrocarbon contaminated soils in the North and that research supports the effectiveness of land farming in cold climates. Nevertheless, De Beers committed to monitoring the land farm to ensure effective performance and would consider alternatives to land farming (e.g. transportation to disposal facilities off-site) should management techniques prove ineffective in treating the soils."

"Following the Hearing, the GNWT concluded that the proposed locations of the landfarm and landfill are acceptable - one in the eastern section and one in the western section of the North Pile for the life of the mine."

"The Board concludes that landfarming can be cost-effective method for the remediation of hydrocarbon contaminated soils and that the selection of the North Pile as the location of landfarming activities is based on sound judgement. Landfarming as proposed by De

Beers is not likely to result in significant adverse environmental effects, provided that it is conducted in accordance with applicable GNWT guidelines and given the commitment by De Beers to provide alternate treatment or removal from the site if the landfarming is ineffective."

"The Board concludes that a landfill integrated into the North Pile as proposed by De Beers is an acceptable approach because the landfill is proposed to contain only inert solid wastes and to lie within the North Pile seepage water collection area such that additional water management developments are not required. It also concludes that landfarming can be a cost-effective method for the remediation of hydrocarbon contaminated soils. However, the Board is of the opinion that additional measures should be considered to ensure that remediation of the soils has been effective prior to mine closure."

"The Board has concluded that two landfill sites integrated into the North Pile as proposed by De Beers are acceptable. However, the Board is of the opinion that additional measures should be considered to ensure that the landfill sites are operated according to design and, to this end, the following measures should be considered for implementation."

Accordingly, the Board provided a Suggestion (S38) Section 2.20.3.2 that states "The appropriate regulatory authorities should ensure that the landfarm and landfill operations are inspected to ensure conformity to GNWT guidelines and regulatory requirements."

At this time, De Beers has not provided specific details on the specific methodologies, procedures or monitoring that will provide the assurances required by the Review Board.

The GNWT legislative requirements related to discharged contaminants are laid out in Section 5 of the **NWT ENVIRONMENTAL PROTECTION ACT**. This legislation states the following:

DISCHARGE OF CONTAMINANTS

5. (1) Subject to subsection (3), no person shall discharge or permit the discharge of a contaminant into the environment.

5.1. Where a discharge of a contaminant into the environment in contravention of this Act or the regulations or the provisions of a permit or licence issued under this Act or the regulations occurs or a reasonable likelihood of such a discharge exists, every person causing or contributing to the discharge or increasing the likelihood of such a discharge, and the owner or the person in charge, management or control of the contaminant before its discharge or likely discharge, shall immediately (a) subject to any regulations, report the discharge or likely discharge to the person or office designated by the regulations;

(b) take all reasonable measures consistent with public safety to stop the discharge, repair any damage caused by the discharge and prevent or eliminate any danger to life, health, property or the environment that results or may be reasonably expected to result from the discharge or likely discharge;

The GNWT does not currently have specific regulations pertaining to landfarms. However, persons who require guidance are referred to two publications for

information on alternative practices which will assist in planning a remediation program. These are:

Environment Canada. "Technical Guidance on the Land Treatment of Petroleum Hydrocarbon Contaminated Soils at Federal Government Facilities or on Federal Crown Land". Environment Canada, Conservation and Protection.

Alberta Environmental Protection, 2001. "Code of Practice for the Land Treatment and Disposal of Soil Containing Hydrocarbons." Draft for guidance.

Other documents may be available from other sources with similar information.

In order to meet the requirement for remediation of the environment after a discharge of hydrocarbons, De Beers plans to operate landfarms in two locations in the North Pile. Landfarming requires careful planning and ongoing work to be successful as a remediation technique. Landfarming is best suited to "soil" [i.e. fine particle sizes] versus rocky material [i.e. stones or boulders]. There are a number of alternative methods to consider and vary depending on the specific contaminant involved in a discharge.

REQUEST:

Please provide the following information: A detailed plan for operations, monitoring and management of the proposed a landfarm. The plan should provide criteria that De Beers will use to determine when landfarming performance is not effective and what alternatives to land farming would be implemented. The plan should also include a voluntary monitoring system and detail authorization requirements of DIAND inspectors.



SIGNED

INFORMATION REQUEST

Applicant: De Beers Canada Mining Inc.	
Location: Snap Lake	Application No.: MV2001C0012 & MV2001L2-0002
Reviewer: Gavin More, GNWT	Email: gavin_more@gov.nt.ca
Subject: Archaeological Sites on Winter Road	

OBJECTIVES: To clarify De Beers procedure for avoiding archaeological sites along winter road access.

REFERENCES:

Report of Environmental Assessment for Decision on the De Beers Canada Mining Inc. Snap Lake Diamond Project Issued by Mackenzie Valley Environmental Review Board July 24, 2003 - Appendix D List of De Beers Commitments

(C79) Archaeology

De Beers will avoid locations identified as having archaeological potential. Site personnel will be trained on what to do when a historical artifact is discovered (EAR p. IV.1-12)*.

(C81) Winter Road

De Beers will continue to follow any operating parameters set out by the Tibbitt-Contwoyto Winter Road Joint Venture (IR 2.2.4b).

(C82) Winter Road

De Beers plans to monitor the winter access road and will set up a review of the monitoring and management plans for the road. De Beers is committed to revising procedures if through the review it is determined that improvement is needed (IR 2.2.4b).

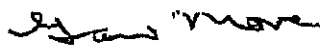
(C83) Winter Road

During construction and operation, contractors will be expected to follow all procedures and policies incorporated under the Environmental Management System as a condition of their contract. This will include specific policies and procedures about road rules and spills, and De Beers will monitor traffic to ensure that the rules are being observed. De Beers will enforce the winter access road traffic rules as well as on-site road traffic rules (IR 2.2.4d).

PREAMBLE: De Beers has conducted appropriate archaeological surveys prior to undertaking development activities. As certain developments, most importantly, the winter access road, may undergo modifications over time, the GNWT is concerned that archaeological resources may inadvertently be disturbed unless appropriate archaeological surveys are conducted prior to change.

REQUEST:

Please provide the following information: De Beers has made commitments to protect archaeological resources and to undertake development of policies pertaining to the winter road. The GNWT requests De Beers to provide a copy of the policies and procedures related to the conduct of archaeological surveys prior to modification of road alignments or activities that may occur off of the current road alignment.



SIGNED

INFORMATION REQUEST

Applicant: De Beers Canada Mining Inc.	
Location: Snap Lake	Application No.: MV2001C0012 & MV2001L2-0002
Reviewer: Gavin More, GNWT	Email: gavin_more@gov.nt.ca
Subject: Reclamation Criteria	

OBJECTIVES: To obtain De Beers criteria for reclamation of the Snap Lake project

REFERENCES:

Report of Environmental Assessment for Decision on the De Beers Canada Mining Inc. Snap Lake Diamond Project Issued by Mackenzie Valley Environmental Review Board July 24, 2003 - Section 2.21.3.1

PREAMBLE:

The proposed reclamation/closure plans and animated production presented by De Beers during the Environmental Assessment do not provide a complete assessment of the site closure criteria for the Snap Lake project.

In its report the Review Board stated the Board concludes that De Beers' *Revegetation and Surface Materials Handling Plan* along with its commitments made in regard to reclamation provides a sufficient level of detail for the purposes of the EA. However, the Board is of the opinion that additional measures should be considered to ensure that De Beers' reclamation goal is met.

Based on this concern, the Review Board provided the following suggestion "Consistent with the *Mine Site Reclamation Policy for the Northwest Territories* (INAC 2002), De Beers should develop site-specific reclamation criteria prior to regulatory approval of this project."

REQUEST:

Please provide the following information: Site-specific reclamation criteria for the Snap Lake Project.


SIGNED

INFORMATION REQUEST

Applicant: De Beers Canada Mining Inc.	
Location: Snap Lake	Application No.: MV2001C0012 & MV2001L2-0002
Reviewer: Gavin More	Email: gavin_more@gov.nt.ca
Subject: Air Quality Land Use Permit Conditions	

OBJECTIVES: To determine the appropriate permit for establishing air quality conditions.

REFERENCES:

Report of Environmental Assessment for Decision on the De Beers Canada Mining Inc. Snap Lake Diamond Project Issued by Mackenzie Valley Environmental Review Board July 24, 2003 - 2.12.3.1 Local and Regional Air Quality

PREAMBLE:

In its review of air quality issues, the Review Board stated "The Board concludes that significant adverse impacts on local air quality are not likely. Although De Beers predicted that dust levels would exceed recognized criteria, the Board concludes that these events are not likely to have a significant adverse impact on air quality or human health. The Board reached these conclusions because the impacts are anticipated to be low in magnitude, infrequent, highly localized within the mine site or adjacent to the quarry, and away from areas where workers may reside during work rotations. The mitigation measures proposed by De Beers such as the application of water or the installation of dust collectors at crushing operations are known to be effective and can be optimized during the construction and operations to improve their effectiveness if required. However, the Board is of the opinion that additional measures should be considered to ensure that impacts on air quality remain within acceptable levels and/or can be managed effectively in the future.

The Review provided two recommendations including:

(S25) The Government of Canada and the GNWT should ensure that any Environmental Agreement include commitments by De Beers to:

- a) Meet all applicable air quality criteria and standards both within the active mine area where workers may reside during work rotations and within the LSA and RSA; and,
- b) Design and implement a comprehensive emission and air quality monitoring strategy to ensure that emissions are tracked and contaminants of potential concern are monitored. This monitoring program should include monitoring of both PM₁₀ and PM_{2.5} within the active mine site and within the LSA and RSA. De Beers should design the program in consultation with Environment Canada and the GNWT.

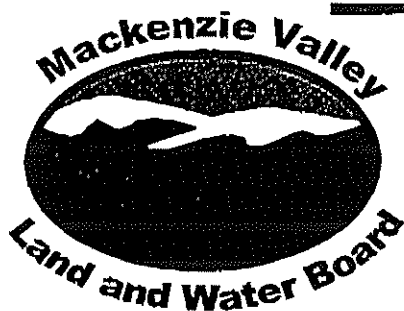
While De Beers is undertaking discussions with the GNWT on its monitoring program, the GNWT is aware that many do not accept the GNWT's air quality guidelines (entitled "NWT Ambient Air Standards") as legally enforceable maximum allowable targets. The GNWT believes that, given the combination of adequate monitoring by De Beers and the existence of air quality guidelines, the Mackenzie Valley Land and Water Board can monitor and control air quality issues similar to the monitoring and control of water quality issues.

REQUEST:

Please provide the following information: Given the concerns expressed over air quality and links to deposition of contaminants, will the Mackenzie Valley Land and Water Board attach conditions to the proposed Land Use Permit related to air quality and emissions monitoring.

Yan More

SIGNED



Mackenzie Valley Land and Water Board
7th Floor - 4910 50th Avenue
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
FAX (867) 873-6610

INFORMATION REQUEST

Applicant: DeBeers Canada Mining Inc.	
Location: Snap Lake, NT	Application No.: MV2001C0012 & MV2001L2-0002
Reviewer: Mackenzie Valley Land & Water Board	Email: mvlwbpermit@mvlwb.com
Subject: Consolidated Project Description	

1. OBJECTIVES:

To obtain a Consolidated Project Description from De Beers Canada Mining Inc. that contains all documents and information to be reviewed as part of their complete application.

2. REFERENCES:

Letter from Pape & Salter (representatives of the Dogrib Treaty 11 Council – Tlicho) to the Mackenzie Valley Land & Water Board *Re: De Beers Snap Lake Class A Water Licence and Land Use Permit* dated November 12, 2003.

Letter from Department of Fisheries and Oceans to Mackenzie Valley Land & Water Board *Re: De Beers Canada Mining Inc. – Type A Water Licence (MV2001L2-0002)* dated November 13, 2003.

Email from Environment Canada to Mackenzie Valley Land & Water Board *Re: Snap Lake Regulatory Phase* dated November 17, 2003.

3. PREAMBLE:

It has come to the attention of the Mackenzie Valley Land & Water Board through letters and discussions with reviewers that a Consolidated Project Description would be helpful. This would alleviate the need to consult various documents for the purpose of reviewing and commenting on the De

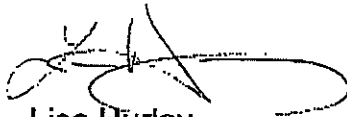
Beers Canada Mining Inc. application for a Type A Water License and Type A Land Use Permit. It would also help to ensure that each party had all the relevant information with respect to this process.

4. REQUEST: Please provide the following information:

A Consolidated Project Description which includes all information to be considered as part of the De Beers Canada Mining Inc. application for a Class A Water License and a Type A Land Use Permit.

This Consolidated Project Description will include the information from the original Application and will incorporate the changes made to the project as a result of the Environmental Assessment conducted by the Mackenzie Valley Environmental Impact Review Board along with a brief explanation as to why each change was made.

SIGNED



Lisa Hurley
Regulatory Officer

NORTH SLAVE METIS ALLIANCE

PO Box 340 Yellowknife, NT X1A 2N3



Lisa Hurley
Mackenzie Valley Land & Water Board
7th Floor
4910 50th Ave
PO Box 2130
X1A 2P6

Nov 14, 2003

Attn: Lisa Hurley

Re: NSMA Information Requests for the Snap Lake Diamond Project

Dear Lisa,

Thank you for the opportunity to provide Information Requests regarding the De Beers Snap Lake Diamond Project.

Unfortunately the NSMA do not have the capacity or resources within our office to review and revise the Information Requests from the Snap Lake Environmental Assessment. Instead, the NSMA request the MVLWB consider all the outstanding issues the NSMA had at the closing of the public registry to be outstanding issues that require resolution or a response from De Beers. In particular we have provided some of these outstanding issues below.

I apologize ahead of time for not providing our Information Requests in the format requested by the MVLWB however, the NSMA do not have the time or resources to provide the detail requested of us due to our efforts currently being focused on four Environmental Assessments and one Cumulative Effects Assessment currently being conducted by the Mackenzie Valley Environmental Impact Review Board (MVEIRB). In the future, the NSMA request the MVLWB and MVEIRB coordinate their efforts to ensure Directly Affected Parties do not become bogged down in 'process' preventing our participation in these proceedings. Furthermore, the NSMA request the MVLWB and MVEIRB coordinate their efforts to prevent duplicating the Information Requests (IR) process for IRs that had already been issued at the MVEIRB.

Ph: (867) 873-9176

Fax: (867) 669-7442

E-Mail: general@nsma.net

The following are outstanding concerns the NSMA have with the De Beers Snap Lake Diamond project:

1. What resources have De Beers provided to the Directly Affected Parties to participate in the MVLWB licensing process?
2. Was Traditional Knowledge used to develop the Monitoring programs for the Snap Lake project? If so, please provide a record of consultation.
3. What additional data has De Beers recorded that supports their groundwater flow model regime, for example, Hydraulic Conductivity, seepage volumes, ground water quality and velocity? Were the monitoring programs developed using this new data?
4. What additional data has De Beers provided to relinquish the NSMA's concerns regarding predicted impacts to surface water and fish? The NSMA request De Beers clarify and provide evidence of what the impacts of additional nutrient inputs to Snap Lake will be to the aquatic community both locally and cumulatively?
5. The NSMA is concerned the additional levels of ammonium, nitrite, aluminum, chromium, nickel and zinc requested by De Beers compared to Diavik and BHP are the result of De Beers not seeking alternative methods to meet licensing requirements other than to increased limits of these substances. What steps or methods has De Beers taken to reduce the levels of these substances that will be released in the environment?
6. How will Snap Lakes and surrounding lakes water levels fluctuate as a result of the proposed project and what impacts will this have on the aquatic community of these lakes?
7. What efforts has De Beers made to incorporate Traditional Knowledge into the wildlife monitoring plans and impact mitigation? Please provide records of consultation?
8. The NSMA are concerned the monitoring and mitigation measures proposed have not been tested to ensure they actually detect changes or impacts to the environment and that negative impacts will be mitigated. Please provide evidence that the monitoring and mitigation programs proposed are effective.
9. The NSMA are concerned members will not have access to training and job opportunities at the Snap Lake Diamond mine. What efforts has De Beers taken to ensure NSMA are trained in time to work in the construction and operation of the Snap Lake Diamond Mine?
10. The NSMA remain concerned that social and cultural impacts to the NSMA community remain unresolved. Please provide evidence that De Beers is ready and willing to work with the NSMA community to monitor and mitigate socio-economic and cultural impacts of the proposed mine.

11. De Beers has the potential to impact cultural and heritage resources of the NSMA. What are the impacts of the Snap Lake Diamond project on NSMA cultural and Heritage Resources?

12. The NSMA require the Production Rate of the De Beers Snap Lake project be set at or below 3000tpd to ensure the predictions made in their EA remain valid. Has De Beers committed to setting the Production Rate at or below 3000tpd?

13. Has De Beers considered the socio-economic and cultural impacts of the Snap Lake Diamond project closing at the same time as another mine, such as, Diavik? What impacts will this have on the NSMA community?

14. In light of the Kyoto agreement being signed, what alternative energy sources has De Beers researched and adopted to reduce greenhouse gas emissions?

15. The NSMA do not support any burial of materials on site after closure of the Snap Lake Diamond project? What are the reclamation plans for the Snap Lake Diamond project?

16. The NSMA require any habitat disturbed or destroyed due to the Snap Lake project be replaced or enhanced in an alternative location for the duration of the project. What plans does De Beers have to provide surrogate habitat or replace habitat destroyed or disturbed during the course of the mine's life?

Again, since the NSMA have not had the time or resources to deal with these IRs I have provided a copy of our MVEIRB Snap Lake Public Hearing presentations for your consideration and to help clarify some points.

Finally, the above comments and IRs are of great importance to the NSMA for without this information the NSMA cannot assess the impacts of the project on our community or our treaty rights.

If you have any questions or comments please feel free to contact myself, Kris Johnson (kris@nsma.net) or Robert Turner (bobz@nsma.net) at (867) 873-9176.

Thank you for your support. We look forward to hearing from you.

Sincerely,

Kris Johnson
Land & Resources Coordinator

Arthur Pape* Richard B. Salter*
QC, NWT & Yukon Bar QC, NWT & Yukon Bar
Jean Teillet Jennie Jack**
QC, ONT & NWT Bar

**P A P E &
S A L T E R**
BARRISTERS &
S O L I C I T O R S

460 - 220 Cambie Street
Vancouver, British Columbia
V6B 2M9
T 604.681.3002 F 604.681.3050

November 12, 2003

Lisa Hurley, Regulatory Officer
Mackenzie Valley Land & Water Board
7th Floor - 4910-50th Ave.
PO Box 2130
Yellowknife, NT X1A 2P6
Ph: (867) 669-0506
Fax: (867) 873-6610

Re: DeBeers Snap Lake Class A Water Licence and Land Use Permit Application

Dear Ms. Hurley:

I have been retained by the Dogrib Treaty 11 Council (Tlicho) to represent their interests in the above matter. As you will likely know, the Dogrib Treaty 11 Council participated as a party in the environmental assessment of this project when it was before the Mackenzie Valley Environmental Impact Review Board. They intend to apply for intervention status on this application before the MVLWB.

In our conversation this morning, I alerted you to the concerns of my clients with respect to the process that is governing the Snap Lake application before the MVLWB. I expressed concern as to the exact content of the application because at present there are so many documents spanning a period of almost four years. We are quite frankly confused as to what exactly DeBeers is now proposing. You allayed my concerns somewhat in conveying the message that a consolidated application will be put together in the near future. We are pleased to hear this.

However, we wish to set before the Board our concerns with respect to the process to accomplish this consolidation. It does not seem appropriate to us that the Board undertake the task of consolidating DeBeers application. We are of the opinion that this is properly the task of the proponent. We express this concern, because it is important that DeBeers adopt and accept all parts of the application. We cannot be in a situation later where DeBeers states that it was not their application and that it misrepresents their position on any points.

* personal law corporation
** non-practicing member

November 17, 2003

Page

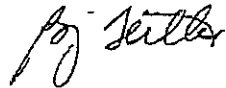
In our respectful opinion, the consolidation must be done by DeBeers. It must contain, in clear and precise language, their position and proposal on each issue. It must be supported by consolidated supporting documentation, that is readily accessible. It is imperative that the interveners not be forced to examine many different documents in order to determine exactly what DeBeers is proposing on any given issue.

In view of the above, we appreciate the fact that the Board understands and proposes to take action on the need for a consolidated application. We look forward to seeing it as soon as it is available.

Also, further to our discussions, we wish to clarify that we may have information requests of the proponent but will await receipt of the consolidated application. It is our understanding that the Board intends to extend the deadline for information requests in view of the consolidation.

Thank you for your attention to this matter. I ask that you copy me with any further correspondence on this project. I can be reached via email at <jteillet@papeandsalter.ca>. I can be reached via phone and fax at the above contact numbers.

Yours truly,



Jean Teillet

Cc: Zabey Nevitt, Dogrib Treaty 11 Council
Dr. Steve Wilbur

24-Nov-2003 10:51

From-MVLWB

+8678736610

T-656 P.021/022 F-326

13-Nov-2003 17:21

From-DFO YK

1-867-668-4840

T-702 P.002/003 F-631



Fisheries
and Oceans

Pêches
et Océans

Fish Habitat Management
Suite 101, 5204-50th Avenue
Yellowknife, Northwest
Territories
X1A 1E2

Your file Your reference

Our file Your reference

6.1.1

November 13, 2003

Mackenzie Valley Land
& Water Board

File

NOV 14 2003

Janpeter Lennie-Misgeld
Senior Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor - 4910-50th Avenue, P.O. Box 2130
Yellowknife, NT X1A 2P6

Application # NV2001L2-0002
Copied To PHILIP HAPIRIG

**Re: De Beers Canada Mining Inc. - Type A Water Licence (NV2001L2-0002)
Application**

Dear Janpeter,

The Department of Fisheries and Oceans (DFO) has received a number of documents and letters from the Mackenzie Valley Land and Water (MVLWB) regarding De Beers Canada Mining Inc.'s (De Beers) water licence application process.

As discussed at our meeting yesterday, DFO has a number of concerns with the process that has been established by the MVLWB. Our concerns are as follows:

- The MVLWB's October 20, 2003 letter states that it would like parties to provide information requests "...to deal only with outstanding issues that were not resolved through the information request process under the Snap Lake Environmental Assessment (EA)." DFO does have a few issues that are outstanding from the EA but we also have issues that were purposely not raised in the EA because they were regulatory in nature. DFO assumes that the MVLWB would also accept these IRs but the October 20th letter is unclear in this regard. DFO would appreciate confirmation of our assumptions.
- DFO is not certain as to whether all the information necessary for drafting a water licence been made available by De Beers. Is it possible for the MVLWB to provide a list of all the information that is being considered in the water licence application process and confirm that this information been presented to the parties?

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- In De Beers' Table 1 provided in its September 9, 2003 letter to MVLWB, it is difficult to discern what is required under the water licence versus the land use permits. The Table should clearly show what is being considered in each application.
- DFO is in receipt of two documents from De Beers – namely the October 2003 report entitled *Snap Lake Diamond Project Proposed Discharge Limits* and the *Draft Environmental Monitoring Program for the Snap Lake Diamond Project* dated September 17, 2003. Please clarify if these documents are considered part of the MVLWB's water licence application process.
- The deadlines established for the water licence application process are very optimistic as discussed at our meeting yesterday. DFO understands that the MVLWB will reconsider and change the some or all of the deadlines put forward in the MVLWB's letter dated October 29, 2003. DFO requests that it be given an opportunity to provide comments on the proposed schedule. Also, DFO would prefer to have technical issues addressed through a committee or workshop structure rather than through the IR process.
- As mentioned yesterday, DFO is unable to meet the November 14, 2003 deadline. DFO recommends a face-to-face technical meeting to address and focus outstanding technical issues as its preferred approach rather than an IR process.

Thank you for the opportunity to provide our comments and look forward to working with the MVLWB on the water licence application process. If you have any questions, please contact me at (867) 669-4912.

Sincerely,

Elaine Blais

Elaine Blais
Area Habitat Biologist
Fish Habitat Management

Cc: J. Dahl, DFO

Canada