

Mackenzie Valley Environmental Impact Review Board

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From: Sherry Sian Fax: 867-766-7074
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Date: November 28, 2003 Pages: 12 including this page

To: Snowfield Development Corp. Fax:
CC: MVLWB

Subject: Summary of Pre-Hearing Conference and Revised Slides (EA-03-006)

NOTES:

Please see attachments. Thanks.

Have a good weekend.

Sherry

Sherry Sian

From: Sherry Sian
Sent: Friday, November 28, 2003 4:38 PM
To: Wilson, Anne [Yel]; Akaitcho Territory Government; 'BlaisE@DFO-MPO.GC.CA'; 'frewc@fortresolution.net'; 'Gavin_More@gov.nt.ca'; Jennifer Morin (CPAWSnwt_cc@theedge.ca); Kris Johnson (kris@nsma.net); Laurence Stephenson (stephmat@axion.net); Lionel Marcinkowski (marcinkoskil@inac.gc.ca); Mike Vaydik (mvaydik@ssimicro.com); 'mike.fournier@ec.gc.ca'; Robert Paterson (paterson@snowfield.com); Mike Beauregard; Dave Balint; Mike Beauregard
Subject: Summary of Pre-Hearing Conference (EA-03-006)

To All Parties,

This e-mail provides highlights of the Pre-Hearing Conference. The contents of this e-mail are not an official transcript. Parties in attendance that wish to correct or add to these notes are welcome to do so. A revised copy of the slides is attached.

PARTICIPATION

In Attendance:

Snowfield Development Corp. - Robert Paterson, Gennen McDowall, Mike Beauregard
New Shoshoni/Consolidated Goldwin Ventures - Max Braden
Environment Canada - Mike Fournier
GNWT - Gavin More, Raymond Bourget
DFO - Dave Balint
Dept. of Justice Canada - Carla Conkin
Terra Firma Consultants - Louie Azzolini (consultant to YKDFN)
DD - Fraser Fairman
NWT/NU Chamber of Mines - Mike Vaydik
MVEIRB: Sherry Sian, Kimberly Cliff-Phillips
Board Counsel: John Donihee

Regrets from: Kris Johnson, NSMA and Jason LePine, NWT Metis Nation

No Response from: Lutsel K'e Dene First Nation (LKDFN), Deninu K'ue First Nation (DKFN) and Greg Robertson (called office and cell phone numbers to confirm participation - believe parties in-transit/unavailable)

SUMMARY NOTES

Welcome:

John Donihee, legal counsel for the Review Board, opened the session and welcomed everyone.

John and Sherry made a few announcements:

1. The Review Board decided to focus the scope of the proceedings for Snowfield Development Corporation by placing a copy of the transcripts for the Joint Hearing (CGV, NAGRC and NSV) on the Public Registry for Snowfield Development. This will allow parties to focus submissions on the matters central to the Snowfield Development Corporation EA. This means that concerns expressed by all the parties regarding the CE Study and the area in general will be on file.
2. A Request for Ruling has been received from the YKDFN. The Review Board did not have sufficient time to collect comments from the parties on this ruling before the Pre-Hearing Conference but will make a decision regarding rescheduling the Snowfield Development Corporation Public Hearing.

Some parties may be traveling back to their home communities after the Joint Public hearing for Drybones/Wool Bay - the deadline for submitting comments on YKDFN's request for ruling is 3:00 pm Monday, Dec. 1, 2003.

3. The Review Board has noted the receipt of IRs from YKDFN. The formal submission was 3 days late, arriving after hours on November 21st the Review Board. The Review Board does not wish to hinder the participation of the YKDFN, however, so Snowfield Development Corporation was directed to be prepared to respond to the questions of the YKDFN at the Public Hearing. It was further noted that NAGRC did so by providing responses as part of their written submission to the Public Hearing. Snowfield Development Corporation may

choose to do the same.

(Discussion between various parties:

- a. to clarify the request to change the schedule;
- b. to suggest providing evidence in support of position on YKDFN request for ruling so the Board can consider reasons rather than opinions;
- c. to explore ramifications of schedule change on Snowfield Development Corporation and potential benefits of delay - i.e., allow parties to discuss/resolve issues and allow consideration of transcripts from previous hearing, etc.)

Review of the Snowfield Development Corporation's EA Process:

Snowfield Development Corporation has undergone a slightly different environmental assessment process than the other Wool/Drybones Bay area developments. A draft Terms of Reference was issued to the parties for comment. Upon the review of comments a final Terms of Reference was issued to the developer. The key difference between this Terms of Reference and the other Wool/Drybones Bay area developments was that the Terms of Reference required the developer to make their own submission on cumulative effects. The Gartner Lee Study would be available to the parties as a resource but it was not available in time for Snowfield Development Corporation to make its submission.

Snowfield Development Corporation submitted their Developer's Assessment Report. The Review Board sought clarification on some matters and upon review of the documents, notified the company that it was not in conformity. The main focus of the non-conformity letter was the absence of cumulative effects predictions as well as a few other operations items related to access and water. Snowfield Development Corporation made their submission entitled Additions and Amendment to the DAR. A review of the DAR and the Addition/Amendment document will help parties prepare submissions for the Public Hearing.

The Gartner Lee Ltd. study was later released. Although Snowfield Development Corporation was not required to consider Gartner Lee Ltd.'s study in their submission, they provided a response to this report for the information of the parties.

The Information Request (IR) phase started upon finding of conformity. The first round of IRs was intended to capture the main questions of the parties based on other similar developments in the area and to address the expanded scope of development due to the addition of bulk sampling. The second round of IRs was issued Monday, November 24. Responses were expected Friday, November 28. These have not yet been received but Snowfield Development Corporation has committed to submit responses to Round 2 IRs December 3.

The Pre-Hearing Conference has been set to review procedures for the Public Hearing and the Public Hearing is scheduled to follow on December 16, 2003.

This process also allows for the submission of technical reports after the hearing. Technical reports may focus on outstanding issues (i.e., potentially bulk sampling).

After consideration of the submissions at the Public Hearing, the Report of EA is expected to be completed and sent to the Minister of DIAND in early January.

Confirmation of Parties:

Sherry reviewed all proposed time requirements from the parties in attendance. Time requested follows: Snowfield Development Corporation - 90-105 minutes, YKDFN - 120 minutes, NWT/NU Chamber of Mines - 15 minutes, DFO - 15 minutes (if their concerns not addressed in responses to IRs), GNWT-RWED - 15-20 minutes (if the presentation for joint work with YKDFN were requested by YKDFN). Environment Canada and INAC will observe but be available to respond to questions. Since this meeting Greg Robertson has confirmed that he will not be participating in the Public Hearing. Time requirements are still needed for NSMA, NWT Metis Nation, DKFN and LKDFN.

It was indicated that there would be follow up with the other parties and a revised agenda issued once all information was provided.

Parties were reminded by John that closing statements should be limited to final remarks that demonstrate the position of the party after having heard all the evidence presented in the public hearing.

Hearing Presentations:

Deadlines for submissions were discussed. They are as follows: December 3 - Developer's Presentation,
December 10 - Parties/Intervener's Presentation
December 14 - Developer's Response, if any (please note Correction)

Same requirements apply as for the other Public Hearings - written transcripts and CVs for those providing expert opinion evidence.. Presentations should be strictly focused on the potential concerns and impacts related to the Snowfield Development Corporation project.

Review of Public Hearing Agenda:

The process is roughly the same as for the previous public hearing - developer followed by parties/interveners in the sequence of registering as a party, public presentations and closing statements.

Some adaptations may be made depending on the needs for elders speaking.

The Pre-Hearing Conference closed shortly thereafter.

If you have any questions about this meeting, please feel free to call me for more information.

Sherry

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Sherry Sian

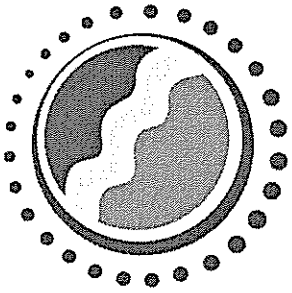
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Subject: Revised slides to go with Pre-Hearing Conference Summary (EA-03-006)



SDC Process.ppt
(126 KB)

For your information.

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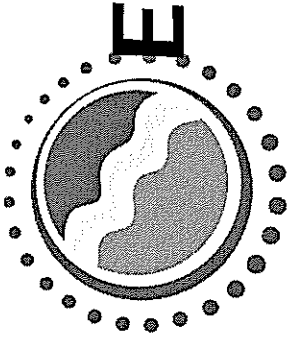
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Pre-Hearing Conference

Snowfield Development Corporation

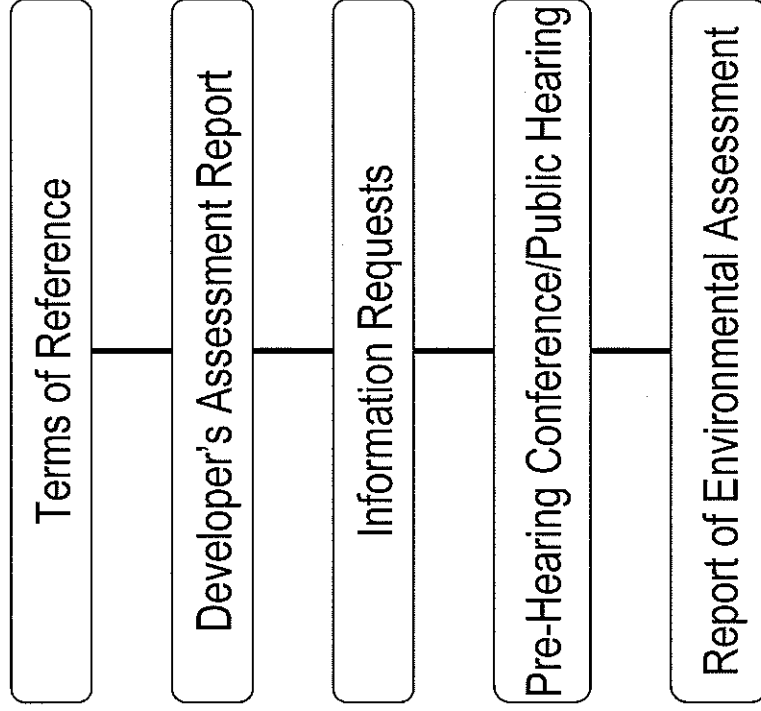
Moderator: John Donihee

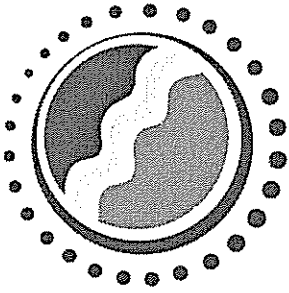
EAO: Sherry Sian



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Environmental Assessment Process

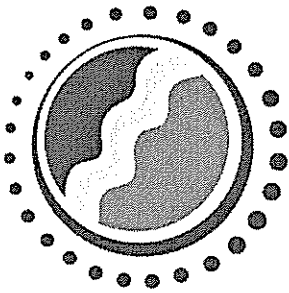




Confirmation of Parties

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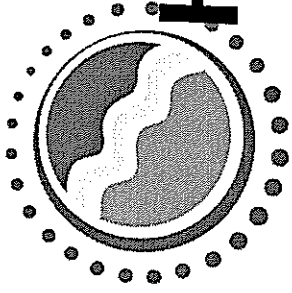
- Status
- Presentation
- Time Requirements



Hearing Presentations

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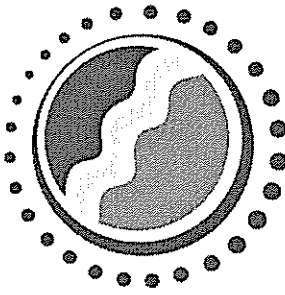
<u>Submission</u>	<u>Deadline</u>
Developer's Presentation for Public Hearing	December 3 rd
Interveners/Potentially Directly Affected Parties	December 10 th
Developer's Response	December 14 th



Hearing Presentations

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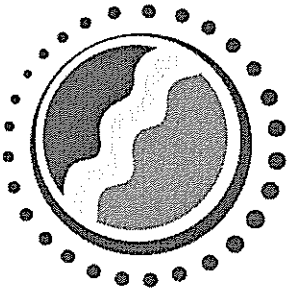
- Complete speakers notes/presentation transcript
- CVs for individuals providing opinion evidence



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Review of Public Hearing Agenda

- Draft agenda is still flexible
- Input of the parties is needed to make the process work well for everyone



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Questions, Issues or Concerns

- Any other questions, issues or concerns about the Public Hearing?