

In This Issue:

Closure Planning at Ekati	1
Agency Annual Report	1
Review of Wildlife Monitoring Programs	2
Review of Air Quality Monitoring Program	2
Water and Fish	2
Agency Communications	3
Agency Ekati Site Visit—September 2010	3
Looking Ahead	4
About the Agency	4
How to Reach Us	4

Closure Planning at Ekati

BHP Billiton is required to have an Interim Closure and Reclamation Plan (ICRP) under a water licence for the Ekati Diamond Mine. The last approved ICRP was submitted in 2000. A revised plan was submitted in 2007.

A Working Group was set up to help improve the ICRP, and some good changes were made. However, the Agency is concerned about two serious issues that remain:

- 1) BHP proposed fish barriers for the pit lakes and cell E of Long Lake for the first time ever in 2007. The Agency and others feel this is not desirable or necessary.
- 2) Reclamation Research Plans need more detail, and lack of progress on this work is a concern.

The Wek'eezhii Land and Water Board (WLWB) ruled that it has the authority to make decisions about fish habitat at closure in relation to closure planning. BHP challenged this to the Supreme Court of the NWT, but it was ruled to be too early in the process as the WLWB had not yet made a decision on the ICRP.



The WLWB held a public hearing in September 2010 to review the proposed ICRP and hear from various groups (including the Agency). We expect the Board's decision in November.



Revegetation research plots at Ekati. These areas test how well different types of plants grow on processed kimberlite and other parts of the mine.



Agency Director Tony Pearce and legal counsel Gavin Fitch at WLWB public hearing in September 2010.

Agency Annual Report



Our new 2009-10 Annual Report is now available! We have both Technical and Plain Language versions, as well as a short Summary Brochure. You can get one at our office, on our website, or contact us if you'd like it mailed to you.

In the report you'll find updates on all environmental plans and programs at Ekati, Agency activities for the year as well as our work plan and budget, assessments of BHP Billiton and the regulators, an environmental scorecard, and our recommendations for improvement.



Did You Know?

Over the last 3 years, Ekati has produced on average **over 3 million carats** of rough diamonds per year!



Review of Wildlife Monitoring Programs

The three diamond mines in the Northwest Territories (BHP Billiton's Ekati Diamond Mine, Diavik Diamond Mine, and De Beers Snap Lake) recently began a joint review of their wildlife monitoring programs. Two workshops were held in 2010 to gather input and help improve the monitoring programs: a technical session in July and a community session in October that included some discussion of Traditional Knowledge.

Agency Directors and staff participated in this review. There is no formal process to review the Wildlife Effects Monitoring Program, unlike the aquatic monitoring programs. After more than 10 years of monitoring, we support the need to review the programs in light of what we have already learned and the growing concern over caribou.

BHP had suggested several changes to its wildlife monitoring programs in its 2009 report. These included dropping aerial caribou surveys, wolverine and grizzly bear monitoring. The wolverine DNA hair-snagging program began again in 2010, along with a similar pilot project for grizzly bears. We will report further progress.

Review of Air Quality Monitoring Program

Air quality was a concern during the review of the Ekati Diamond Mine, largely related to dust. Air quality monitoring is required under the Environmental Agreement. It began in 1998, and is reported by BHP every three years.

The Agency recently contracted an independent expert review of the 2008



Ekati Air Quality Monitoring Program (AQMP) report. This review will be available soon on our website. We are working with the company to improve air quality monitoring and management.

We are holding a workshop on November 17 with the company and others to discuss air quality.

Water and Fish

There is now only one water licence for the entire Ekati Diamond Mine. Regular inspections are conducted by Indian and Northern Affairs Canada (INAC), and the Agency is impressed with the high quality of this work.

Nitrates and some metals were still at high levels in 2009. The company continues to investigate why some fish downstream of the mine site appear to have been exposed to hydrocarbons.

The Agency contracted an independent review of BHP's 10-year report on the Panda Diversion Channel monitoring program, which will be available soon on our website.





Agency Communications

Welcome back Ekati Monitor! The Agency produced this newsletter from 1998-2001. After a recommendation from an independent review, we will once again be publishing a newsletter twice a year.

The independent review (by SENES Consultants, March 2010) told us we should focus more on communications. We

hired a Communications and Environmental Specialist to help us. Monica Krieger started with the Agency in May 2010. Her previous work includes four years in Lutsel K'e which included work on the Ekati diamond mine.

Check out our new and improved website where you can access all our meeting minutes, correspondence, and background documents.

www.monitoringagency.net

Also stay tuned for the launch of our new Timeline Project. This web-based resource will provide details on some of the more significant events at Ekati including mine operations, regulatory milestones and environmental issues. We expect to launch it in November 2010.



Inside the renovated Ammonium Nitrate Building at the Ekati Mine Site.

Agency Ekati Site Visit—September 2010

Agency Directors and staff visited the mine site in September 2010. We saw the following areas:

- North end of Cell B of Long Lake;
- Pigeon test pit;
- Beartooth pit and pipeline;
- Panda Diversion Channel canyon reach where slump occurred in July 2010;
- The revegetation study site on Panda Waste Rock Storage Area;
- Nero-Nema bridge where a dust suppressant spill into the water occurred in July of this year;
- Fox pit with Wirtgen surface miners in operation; and
- The airport where new caribou fencing was put in place.



Wirtgen surface miner at work in Fox Pit (above).

New wildlife fencing at Ekati Airport (right).



Did You Know?

In the early 1990's kimberlite was discovered at Point Lake in the NWT. This sparked the largest staking rush in North American history: **over 40 million acres** were staked by various companies!



Independent Environmental Monitoring Agency

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DIRECTORS:

Bill Ross (Chairperson),
appointed by BHPB/Canada/
GNWT

Tim Byers (Vice-
Chairperson), appointed by
Akaitcho Treaty 8

Jaida Ohokannoak
(Secretary-Treasurer),
appointed by
Kitikmeot Inuit Association

Tony Pearce, appointed by
Tłı̄chǫ Government

Kim Poole, appointed by
BHPB/Canada/GNWT

Laura Johnston, appointed
by BHPB/Canada/GNWT

Audrey Enge, appointed by
North Slave Métis Alliance

STAFF:

Kevin O'Reilly
Executive Director

Monica Krieger
Communications and
Environmental Specialist

The Independent Environmental Monitoring Agency is a public watchdog for environmental management at BHP Billiton's Ekati Diamond Mine. We were created through Article V of the Environmental Agreement signed on January 6, 1997. This is a legal document to make sure that BHP Billiton and the governments of Canada and Northwest Territories respect and protect the land, water, wildlife and land-based way of life essential to the Aboriginal Peoples of the area.

The Agency consists of seven Directors appointed by the following:

- Akaitcho Treaty 8 (Łutsël K'e Dene First Nation and Yellowknives Dene First Nations)
- Tłı̄chǫ Government
- Kitikmeot Inuit Association
- North Slave Métis Alliance
- Government of Canada (Department of Indian and Northern Affairs)
- Government of the Northwest Territories
- BHP Billiton Canada Inc.



The Directors are independent of the appointing Parties. They work together in the best interests of the people and environment affected by the Ekati Diamond Mine. We review BHP Billiton's environmental reports and plans, visit the mine site, and listen to community and public concerns. We make recommendations to the company and various regulators on how best to protect the environment at Ekati.



We have an office in Yellowknife, where we have a resource library and lots of information on the Ekati area. Our staff would be happy to answer your questions and help you learn more, so come see us!

Looking Ahead...

This month, the Agency has a regular Board meeting as well as our Annual General Meeting. We are also hosting an Environmental Workshop on Air Quality.

Summaries of these meetings will be on our website and in the next newsletter.



Directors and staff visit the Ekati mine site in September 2010.

Look for profiles of our Directors and staff starting in the next issue.

Join all three diamond mine environmental monitoring agencies at our

Christmas Open House

December 7th from 4:30-6:30pm in our Boardroom.

