



March 18, 2007

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*via email: sbaines@wlwb.com*

Sarah:

**Re: Ekati Interim Closure and Reclamation Plan  
Comments for Working Group Part 1 Review**

**Introduction**

We are pleased to provide our comments for the Part 1 Working Group review of BHP Billiton Diamonds Inc.'s (BHPB) Interim Closure and Reclamation Plan (ICRP), January 2007. We are acting in our role as technical advisor to the Wek'eezhii Land and Water Board (WLWB) for the ICRP working group.

According to your instructions and the arrangements of the Working Group, this is the first of four scheduled reviews that will encompass the entire ICRP as follows:

<b>Working Group</b>	<b>ICRP Sections</b>
Part 1	1, 2, 3, 4, 5 Appendices A and C
Part 2	6.1, 6.2, 6.3 Appendix D (parts)
Part 3	6.4, 6.5, 6.6 Appendix D (parts)
Part 4	7, 8, 9 Appendices F and G



## **Overview**

The sections of the ICRP that make up the Part 1 review are largely introductory to the subsequent discussion of the evaluation and selection of specific mine reclamation activities. Most importantly, these sections of the ICRP introduce the reclamation objectives upon which much of the subsequent topic material will be based.

Our review of ICRP Section 1 (Executive Summary) and Appendix C (Closure Objectives and Criteria) focused on the content only insofar as it related to Sections 2 through 5. This seemed appropriate to the intent of the Part 1 review. Our current comments may also relate to the general format, layout or concept for these sections. We may provide additional comments on the content of these sections as part of future reviews where the content matches future review topics.

Our primary concerns for the Working Group Part 1 review is the wording of some of the reclamation objectives. We have identified a number of other specific questions, comments and suggestions below that may provide additional clarity to the document.

### **ICRP Section 1, Executive Summary**

1. Section 1.1, para. 3: The Water Licence requires a Final CRP to be submitted a minimum of 24 months prior to mine closure (Part J, Item 5) and this is accurately repeated elsewhere in the ICRP; however Section 1.1 introduces the idea of 5 years prior to mine closure with no explanation, which is confusing.
2. Section 1.2, numbered bullets: See the following comments regarding Section 2.1.

### **ICRP Section 2, Introduction**

3. Section 2.1, bullet no. 4: We suggest removing the word “relevant” and generally expect that BHPB would consider all of the comments and expectations expressed by stakeholders/First Nations.
4. Section 2.1, bullet no. 5: We have no technical objections to the proposed wording; however, we feel that this issue could be approached in a more constructive manner along the lines of “Provide positive employee transition and continuity, where possible, through mine reclamation and provide positive socio-economic benefits, as feasible, through mine reclamation with continuity of preferential northern and northern aboriginal involvement”.



5. Section 2.1, bullet no. 7: The concept of “no on-going care and maintenance” is a challenge for mine reclamation planning. Often it is a matter of degree rather than an absolute. This is because of the challenge in providing engineered structures that do not require even occasional inspection and repair. We feel that, at this point in the reclamation planning process, a more realistic objective might be to “Reduce/minimize long-term care and maintenance requirements to a negligible level that does not obstruct the return of the property to the land owner(s)”, or similar.
6. Section 2.1, suggested new bullet no. 9: We suggest that a continuation of effective communications and participation processes through the reclamation timeframe is important and should be documented in these general objectives. Wording could be along the lines of “Continue an effective regulatory and community communications and participation plan through the mine reclamation and post-reclamation monitoring timeframes”, or similar.
7. Section 2.2, page 33: BHPB states that this ICRP is not intended to satisfy the requirements of the Crown land leases, the Environmental Agreement or the Land Use Permit. Our general understanding is that there is likely some overlap between the requirements of these instruments and an integrated approach that provides one single reclamation plan for the property might best facilitate many issues, such as overall reclamation security and consistency between various regulatory submissions. Further, the Terms of Reference (page 1) implies that all of these instruments would be considered in the ICRP and that “the requirements for each of these will be summarized in the ICRP”. We request that BHPB provide a rationale for not adopting an integrated reclamation planning approach and a summary of the overlapping and separate requirements of each instrument. Also, BHPB should describe how it intends to avoid duplication or inconsistency if separately satisfying the requirements of the various instruments.

### **Section 3, Scope**

8. We request that this section should include a large-scale map that illustrates the geographic area(s) targeted for reclamation through the ICRP. While this is always helpful, BHPB’s approach that this ICRP is not intended to fulfill the requirements of the Land Lease, Land Use Permit and Environmental Agreement (item no. 9 above) increases the importance of the Working Group to have a clear of understanding of the area(s) under consideration. This could link with our comment no. 10 below.



9. Section 3.5.5, Areas of Cultural Significance: BHPB states that a list of all sites with cultural significance has been filed with the Prince of Wales Heritage Museum. We feel that it would be of interest to the ICRP to have a plan map of the mine property that illustrates the locations of these areas. This would provide the Working Group, and the WLWB, the ability to see that these areas have been appropriately considered in the reclamation planning process. This could link with our comment no. 11 below.

#### **Section 4, Project Background**

10. Sections 4.4, 4.5, 4.6: These sections should include one or more maps that illustrate the basic biophysical aspects of the property. The features could include terrestrial relief, typical/common caribou use areas, primary ecosystem/vegetation boundaries, eskers, and general hydrology and lake systems. Our intent in this regard is to ensure that the ICRP is a standalone document with clear information at hand to understand the physical setting for the project, particularly for those readers who may not be intimately familiar with the local conditions site. This could link with our comment no. 8 above.
11. Section 4.7, para. 2: BHPB states that 199 archaeological sites have been identified on the property. We feel that it would be of interest to the ICRP to have a plan map of the mine property that illustrates the locations of these sites. This would provide the Working Group, and the WLWB, the ability to see that these areas have been appropriately considered in the reclamation planning process. This could link with our comment no. 9 above.
12. Section 4.7 and 4.7.1.2: An overview map that summarizes past and current traditional land use areas would enhance the narrative descriptions. For example, the specific locations of Wickett (S.4.7 para. 3) and Pellat Lake Outpost (S.4.7.1.2 para. 2) could be identified as an aid to those readers who may not be familiar with these locations. This could link with our comment nos. 8 and 10 above.
13. Section 4.8, para. 2 and Table 8: It appears that some of the objectives summarized from the 1995 EIS are brought forward in the currently proposed reclamation goal rather than in the currently proposed reclamation objectives. We consider this to be a minor comment but it might help for clarity if BHPB stated this or, perhaps, illustrated the specific linkages from each 1995 objective to those currently proposed. Also, please refer to our comments on the currently proposed objectives in comment nos. 3-6 above.



14. Section 4.8, Table 9: Lines 12 and 14 are repetitive and should be combined. BHPB should add a footnote that recognizes that Table 9 provides only a select group of possible lessons-learned examples that BHPB feels are most relevant to the EKATI ICRP, but that more examples may be found in the mine reclamation field.

### **Section 5, Mine Overview**

15. Section 5.1, Figure 5: This drawing would be more helpful if it identified all of the operating components that are listed in Table 10. This linkage would provide readers with a good understanding of where the current operating components are located. Also, the label for “Shotcrete Batch Plant and Compressors” does not clearly indicate where these are located.
16. Section 5.5: The locations of the exploration camps should be identified on a suitable scale map.
17. Section 5.5.1: BHPB states that these three sites have been reclaimed or, in the case of Boxcar Camp, “reclaimed to the satisfaction of the Land Use Inspector”. BHPB should clearly indicate whether reclamation of these sites is complete, whether any regulatory approvals are necessary (and from whom), and whether any regulatory approvals have been received (and from whom).
18. Section 5.8, para. 1 and Figure 10: The narrative description for Table 10 does not match the content provided. Specifically, Table 10 does not show the “consultant companies responsible for reclamation planning”, per the Terms of Reference, or a “description of the primary responsibilities and qualifications for each of these individuals or companies”. We feel that this information would be of general interest but is not essential to the ICRP; however the inconsistency between the text and the Table should be clarified and the deviation from the Terms of Reference should be rationalized.

### **Appendix A, Terms and Definitions**

19. We reviewed a portion of the terms that are listed in Appendix A. We find that some of the terms reviewed contain awkward or technically imprecise wording that could be misleading to readers who are unfamiliar with the terminology. For example, “Cumulative Effects” is defined as relating to activities that are similar or related, whereas our general understanding of cumulative effects is that it incorporates all activities within the study areas. We suggest that all of the (English) terms be critically reviewed for technical precision.



20. Some of the terms defined in Appendix A are terms that are also defined in the Water Licence, such as “Aquatic Effects Monitoring Program”. The definitions reviewed are the same in both documents but, for clarity, BHPB should verify that any terms that are already defined in the Water Licence have been given the same definitions in the ICRP.

Thank you for the opportunity to comment on this document and to contribute to this interesting project. We look forward with interest to BHPB’s responses and the opportunity to discuss these comments with the Working Group.

Yours very truly,  
GARTNER LEE LIMITED

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