



Independent Environmental Monitoring Agency

P.O. Box 1192, Yellowknife, NT X1A 2N8 • Phone (867) 669 9141 • Fax (867) 669 9145
Website: www.monitoringagency.net • Email: monitor1@yk.com

July 24, 2009

Zabey Nevitt
Executive Director
Wek'èezhii Land and Water Board
1 - 4905 48 St.
Yellowknife NT
X1A 3S3

Re: Agency Review of the 2008 Aquatic Effects Monitoring Report (AEMP)

Dear Mr. Nevitt

The Agency has completed a preliminary review of the 2008 AEMP report.

We recognize that the AEMP report is meant to present the information from BHPB's aquatic monitoring program. This information is also used to mitigate and manage aquatic effects from the Mine. The concept of Minimum Detectable Differences (MDD) may be a useful piece of information but the way this has been used in the report causes us some concern as it appears to be used to stretch the CCME Guidelines for the protection of aquatic life in a manner that is less protective of the environment.

BHPB should continue to report the AEMP water quality results and trends through time but the CCME plus MDD approach needs further discussion. MDD varies widely within and amongst water bodies. MDD should also be presented as confidence range, not simply used to push the upper limit, similar to a 'pollute-to-the limit' approach. The CCME plus MDD approach may also make data reporting and interpretation more complex, especially in determining whether there were any exceedences. One could even note that an approach more protective of the environment would be to use CCME minus MDD as the limit.

The Agency would be particularly concerned should the CCME plus MDD approach be used for aquatic effects management. As this approach appears to be adopted for the AEMP, we wonder whether BHPB intends to apply it to the Watershed Adaptive Management Plan and the Effects Size Study. We are also curious to know the status of these latter two initiatives. The Agency will almost certainly wish to discuss the CCME plus MDD approach further during the upcoming three-year review of the AEMP.

We would be happy to discuss these comments with you at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "W.A. Ross".

Bill Ross
Chairperson

cc. Society Members
Anne Wilson, Environment Canada
Bruce Hanna, Fisheries and Oceans
Eric Denholm, BHPB