



Wek'èezhii
Land and Water Board

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March 1, 2007

File: MV2003L2-0013

Mr. Richard Weishaupt
Manager, Safety, Health and Environment
BHP Billiton Diamonds Inc.
#1102, 4920-52nd Street
YELLOWKNIFE, NT X1A 3T1

Fax: (867) 669-9293

Dear Mr. Weishaupt:

Preliminary Comments on the 2007-2009 AEMP

The Wek'èezhii Land and Water Board (the Board) met on March 1, 2007 to conduct a preliminary review of the 2007-2009 Aquatic Effects Monitoring Program and review comments. The Board has the following comments and requests:

Updating the Environmental Impact Statement (EIS)

The technical advisor for INAC recommended that the 1995 EIS be updated to include benthos as a valued ecosystem component, an explicit list of measurement endpoints, a list of effects sizes, and Type I and II error rates. The Board does not have the authority to require the EIS to be updated, however, the recommendations will be considered moving forward.

Clarification of Cover Letter to AEMP (dated December 31, 2006)

The Board reviewed the cover letter for the AEMP and notes that BHPB requests a year to evaluate the issue of effects sizes. Please clarify this request as "evaluating the issue of effects sizes" may mean that either:

- (a) BHPB needs a year to define effects sizes, or
- (b) BHPB needs a year to determine if effects sizes are required.

The Board understands that BHPB already informed Board staff that option (b) is the correct meaning, and if this is the case, please explain why BHPB requires a year to determine if effects sizes are required.

Previously the Board set March 2, 2007 as the deadline for BHPB's response to review comments but this deadline is now extended to March 19, 2007. The Board is extending this deadline to allow BHPB time to respond to the recommendations made

by Gartner Lee Limited and Ecometrix, the Board's technical advisors, in their report dated February 28, 2007 (attached).

If you have any questions, contact Sarah Baines at (867) 766-7457 or email sbaines@mvlwb.com.

Yours sincerely,



Violet Camsell-Blondin
Chair

Attachments: Gartner Lee/Ecometrix Report, dated February 28, 2007

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