

----- Original Message -----

From: [Kevin O'Reilly](#)

To: [Ryan Fequet](#)

Cc: [Communications and Environmental Specialist](#) ; [Tony Pearse](#) ; [Tim Byers](#) ; [Laura Johnston](#) ; [Kim Poole](#) ; [Jaida Ohokannoak](#) ; [Bill Ross](#) ; [Audrey Enge](#) ; [Erika Nyyssonen](#) ; [Gavin More](#) ; [Lionel Marcinkoski](#) ; [Ray Griffith](#) ; [Tracey Williams](#) ; ['Luigi Torretti'](#) ; [Sandra Lockhart](#) ; [Catholique, Charlie](#) ; [Todd Slack](#) ; [sonya almond](#) ; [Sheryl Grieve](#) ; [Joline Huskey](#) ; [Geoff Clark](#) ; [Florence Catholique](#) ; [Kerri Garner](#) ; [Eddie Erasmus](#) ; [Rita Catholique](#) ; [Edward Sangris](#) ; [Ted Tsetta](#) ; [w_kuliktana@qiniq.com](#) ; [Charity Clarkin](#) ; [Eric Denholm](#) ; [Paul.Green@inac-ainc.gc.ca](#)

Sent: Friday, January 07, 2011 3:28 PM

Subject: Re: BHP Modification Request - Misery Waste Rock Pile--Agency Comments

Ryan

Thanks for the opportunity to provide comments on this modification request. The Agency supports the selection of the preferred option by BHPB but the request raises a number of other issues that the Agency would like to have addressed.

The main concern is the need to consolidate and update the Waste Rock and Ore Storage Management Plan. The approved version of the Plan that covers the Misery site dates back to June 2001. There are several aspects of that Plan that should be updated to reflect current practices and knowledge from ongoing monitoring and operation. For example, the ABA pit sampling scheduling for Misery on page 29 is shown as "TBD". Pages 138-139 discuss several control strategy options for the Misery site but it is not clear what methods the company may have chosen and how effective those methods may be. Mapping of the pit and disposal areas for different rock types in the waste rock storage area would also be helpful. We are pleased to see that BHPB has already stated that it will update the Plan by the end of 2011 but we are not sure that an entire year may be needed for this work.

BHPB has not provided any details of the actual pushback work itself. A map showing where and describing how this will be done would be very helpful. This is not for regulatory approval but would certainly assist regulators and the Agency in assessing possible effects.

Depending on the location and depth of the pushback, there could be more groundwater that will be entering the pit. BHPB may also wish to review the Wastewater Processed Kimberlite Management Plan in light of any changes in minewater quantity or quality as a result of the Misery pushback, and the capacity of its systems to handle any changes.

We would be happy to discuss any of this with you or others at your convenience.

Kevin O'Reilly

Executive Director

Independent Environmental Monitoring Agency (for the Ekati Diamond Mine)

Office Address:

Suite #203, 5006 Franklin Avenue (upstairs near 'The Champagne Room' restaurant)

Mailing Address:

P.O. Box 1192, Yellowknife NT X1A 2N8 Canada

Ph: (867) 669-9141

Fax: (867) 669-9145

e-mail: monitor1@yk.com

website: www.monitoringagency.net

----- Original Message -----

From: [Ryan Fequet](#)

To: ['Anne Wilson'](#) ; ['Bill Ross'](#) ; ['Brett Wheler'](#) ; ['Bruce Hanna'](#) ; ['Charity Clarkin'](#) ; ['Charlene Coe'](#) ; ['Chris Heron'](#) ; ['Eddie Erasmus'](#) ; ['Environment Canada'](#) ; ['Eric Denholm'](#) ; ['Erika Nyyssonen'](#) ; ['Gavin More'](#) ;

['Geoff Clarke'](#) ; ['GNWT'](#) ; ['Iris Catholique'](#) ; ['Jane Fitzgerald'](#) ; ['Jason Brennan'](#) ; ['John Donihee'](#) ; ['Joline Huskey'](#) ; ['Julian Kanigan'](#) ; ['Karin Clark'](#) ; ['Karl Schubert'](#) ; ['Kathleen Racher'](#) ; ['Kerri Garner'](#) ; ['Kevin O'Reilly'](#) ; ['Krystal Thompson'](#) ; ['Lionel Marcincoski'](#) ; ['Lorraine Seale'](#) ; ['Luigi Torretti'](#) ; ['Malcolm Robb'](#) ; ['Marc Casas'](#) ; ['Mark Cliffe-Phillips'](#) ; ['Monica Krieger'](#) ; ['Nathen Richea'](#) ; ['Patrick Clancy'](#) ; ['Patty Ewaschuk'](#) ; ['Paul Green'](#) ; ['Ray Griffith'](#) ; ['Registry'](#) ; ['Richard Ehler'](#) ; ['Ryan Fequet'](#) ; ['Savanna Levenson'](#) ; ['Sheryl Grieve'](#) ; ['Sonya Almond'](#) ; ['Stephen Ellis'](#) ; ['Todd Slack'](#) ; ['Velma Sterenberg'](#) ; ['YKDFN'](#)

Sent: Friday, December 17, 2010 3:10 PM

Subject: BHP Modification Request - Misery Waste Rock Pile

Afternoon Folks,

Please find attached a request from BHP Billiton for a Modification to the currently approved design for the Misery Waste Rock Pile.

Board staff believe that this request is straightforward and reasonable; therefore, no formal review process is recommended. However, if any party wishes to comment, ask questions or initiate a formal review process, please contact me by January 7th, 2011.

Cheers,

Ryan Fequet, *BSc.*
Regulatory Mining Specialist
Wek'eezhii Land and Water Board
#1-4905 48th St. | Yellowknife, NT | X1A 3S3
ph 867.765.4589 | fax 867.669.9593
rfequet@wlwb.ca | www.wlwb.ca

"Iron rusts from disuse, water loses its purity from stagnation ... even so does inaction sap the vigour of the mind." *Leonardo da Vinci*