



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

April 7, 2006

Sarah Baines
Regulatory Officer
Wek'eezhii Land and Water Board
c/o Mackenzie Valley Land and Water Board
Box 2130, 7th Floor, 4910-50th Avenue
Yellowknife, NT X1A 2P6

Dear Ms. Baines

**Re: Ekati Diamond Mine 2005 Waste Rock Storage
Area Seepage and Waste Rock Survey Report**

We have reviewed BHPB's 2005 *Waste Rock Storage Area Seepage and Waste Rock Survey Report*, and submit the following comments for your consideration.

First, the waste rock sampling and seepage survey work done in 2005, and reported on in the above document, maintain the high standard of field investigation set in previous years by SRK. The characterization of waste rock and related drainage is comprehensive and informative. That said, the report importantly does not provide any discussion about the management implications of the results, something that we have been urging the company to do for several years. This is a serious omission and, as a result of the new requirement in the recently re-issued *Type A Water Licence* for the mine (Part F, Item 4(f)) to provide this information, it means that BHPB has not met the terms of its licence in this regard.

For the past several years the Agency has commissioned an independent review of the company's annual seepage reports, and has conveyed the review findings to BHPB, and to the Mackenzie Valley Land and Water Board, in the hope that BHPB would consider the findings and incorporate any recommended changes in its field investigations or reports. There is no indication in BHPB's seepage reports, including the 2005 report, that the issues raised by the independent reviewer have been considered.

For your reference, the attached letter of 12 September 2005 to BHPB from us highlights some of the more serious issues that should be addressed in the seepage report. We also attach Bill Price's review of the 2004 seepage report, which describes these and other issues in more detail.

Since the report does not meet the conditions of the *Water Licence*, it our view that it should not be accepted by the Board until the issues raised by reviewers have been addressed in the report, and the management implications of waste rock geochemical behaviour are more fully understood.

Please feel free to contact us if you require further information on this matter.

Sincerely,

-Original Signed By-

William A. Ross,
Chairperson

cc. Society Members

Attachments:

1. *Independent Review of 2004 Waste Rock Storage Area Seepage and Waste Rock Survey Report*. September 12th 2005. Independent Environmental Monitoring Agency
2. *Review of 2004 Waste Rock Storage Area Seepage and Waste Rock Survey Report, Prepared for the Ekati Mine By SRK*. September 7th, 2005. William (Bill) Price, Natural Resources Canada.