

WLWB Filtered Comment Summary Table – WG Section 1 of January 2007 ICRP

COMMENT NUMBER	REVIEWING AGENCY	REVIEW COMMENT	WLWB COMMENT
1	NSMA	Section 2.1.1.of the TOR, regarding Regulatory Requirements, states that the requirements of each of the regulatory documents will be summarized in the ICRP, including the Environmental Agreement, Socioeconomic Agreement, Land Leases, Fisheries Authorizations, and the Mine Site Reclamation Guidelines. This information, if it exists at all, can not be easily found in the ICRP, and needs to be added and listed on the table of contents so interested reviewers can locate it.	The Board supports having one ICRP that satisfies all regulatory instruments. However, the Board's authority does not extend to having discussions or issuing directives on topics/recommendations outside the scope of the water licenses and land use permits.
2	NSMA	...if the Board could locate, and provide digital copies of the original environmental assessment and recommendations for the Ekati project well in advance of the first working group meeting to discuss this closure plan.	Copies of the environmental assessment reports and recommendations for the main (MV2003L2-0013) and expansion (MV2001L2-0008) licenses are stored in the public registry. The public registry can be accessed any time during business hours. The MVEIRB website has digital versions of documents from the EA on the expansion project.
3	NSMA	Section 2.1.2. of the TOR states that a summary table and cross reference document will be developed and included to demonstrate how and where the specific regulatory requirements for closure are considered in the ICRP. This appears to be missing, and must be added. This table and concordance document should include all regulatory and legal requirements, including specifically the Environmental Agreement, Socioeconomic Agreement, Land Leases, Fisheries Authorizations, and the Mine Reclamation Guidelines.	The Board supports having one ICRP that satisfies all regulatory instruments. However, the Board's authority does not extend to having discussions or issuing directives on topics/recommendations outside the scope of the water licenses and land use permits.
4	NSMA	There are many definitions which are circular, unclear, incorrect, or unnecessarily complex. Plain language should be used wherever possible. As well, there are additional words used throughout the	Stakeholders must attend working group meetings prepared to offer specific solutions. In this case, alternative definitions that would be suitable in the stakeholder's opinion must be provided.

		ICRP document which NSMA believes should be defined. For example, the use of words such as “practicable”, “negligible”, and many others are susceptible to a wide variety of interpretations, and can not be used in any meaningful way unless and until definitions are agreed.	Rather than trying to develop generalized definitions to be included in the definitions list, the Working Group is to work on ensuring that the ICRP contains enough detail where each of these words are used to fully explain their meaning within each specific context.
5	NSMA	In addition, it would be more useful to reviewers to separate the glossary into separate tables for each language, so that we need only refer to the language relevant to us.	Formatting preferences and editorial comments that don’t affect the technical content, intent or interpretation of the plan will not be discussed during the Working Group meeting. BHPB is advised to consider formatting preferences for future editions of the ICRP.
6	NSMA	<p>...the tables presented starting on page 72, summarizing the closure options workshop input from communities, do not reflect participating communities, but group them by tables labeled as community 1 and community 2. It is therefore not possible to determine what any particular community participants contributed. Another severe problem with the process was the limit on which questions each table would address. This section should provide detail on the issues raised by each community and how those issues or concerns have been addressed. The process is also incomplete, as the community members who participated in the site visit and work shop have not been provided with any opportunity to report back to rest of their community and community leadership at a community meeting where a community consensus could be reached on any positions or views. Consultation will not be sufficient until communities have had adequate time and information to prepare and present their views.</p> <p>The ICRP states that “community groups” were given the opportunity to discuss concerns and expectations. Only three NSMA members and one staff were permitted to participate, and there was no transfer of information to the Community at large. BHP can not use the statements of individual</p>	<p><u>Community Engagement</u> The Board understands that some reviewers raised concerns about the process used by BHPB to gather community and regulator input in the ICRP. The Board required BHPB to engage communities during the development of the ICRP (see the ToR and Workplan for the Working Group, December 2005), but did not provide the company with an engagement strategy. However, the Board is of the opinion that the Working Group and public hearing process established for the ICRP will provide ample opportunity for stakeholders to provide comments and recommendations on the plan. The efficiency and ‘smoothness’ of this Working Group and public hearing process partly depends on the quality of community engagement undertaken by BHPB. This process may be slowed if the Working Group has to focus on issues that could have been resolved during the community engagement phase.</p> <p>BHPB is advised to fully consider the issues and recommendations on community engagement raised by stakeholders and apply them where appropriate in the future. Stakeholders must, in turn, keep themselves and their respective organizations up to date and work cooperatively with each other and the company.</p>

		members to determine what NSMA's community position is; that is the role and the prerogative of NSMA alone, as the elected political representatives.	<p><u>Participation in the ICRP Working Group Process</u></p> <p>Each community, agency and organization included on the distribution list for the ICRP is responsible for selecting representatives (one lead and one alternate) to participate in the Working Group process. The responsibilities of the representatives include:</p> <ul style="list-style-type: none"> o Making recommendations and comments <u>on behalf of</u> the community, agency or organization that they represent. o Disseminating information to all other members of their respective community, agency or organization. The communication strategy used to do this is to be developed by the communities, agencies and organizations themselves.
7	NSMA	BHPB has added a number of sections after 3.2.2 which were not required by the TOR. NSMA appreciates this information being provided, but would have appreciated some details on which communities, specifically, were benefiting in the different programs, and to what degree. An ongoing difficulty NSMA experiences in attempting to monitor and respond to socioeconomic effects in our community is that we do not get community specific data from BHPB or GNWT, nor do we get funding to support our own collection and analysis of that information. As well, BHPB tends to focus on benefits accruing to mine workers, while NSMA is more concerned about benefits accruing to the community as a whole. Even though mine workers may transition to commensurate employment at the end of the mine life, there may still be effects on community services, and other businesses which also need attention.	The regulation and monitoring of the socioeconomic effects of Ekati are outside the jurisdiction of the Board. The Working Group will not be holding discussions on these topics.
8	NSMA	NSMA welcomes the commitment of BHPB to the participatory development of a mine closure transition plan. The sooner this can be started, the better. You never know when some unforeseeable event will cause changes in the economics of	The regulation and monitoring of the socioeconomic mine closure transition plans are outside the jurisdiction of the Board. The Working Group will not be holding discussions on these topics.

		diamond mining, and changes to the mine plan, including potentially a sudden early closure. A timetable for the implementation of this planning exercise should be included here.	
9	NSMA	<p>A summary of historical and current land use in the EKATI lease area by Aboriginal peoples, and other users will be included.</p> <p>This section does not contain the detailed descriptions, maps, and other visual presentations as required, and the description of pre-mining and current land use is perfunctory at best. This section neglects to include a description of historic Métis land use, and completely ignores the important role that Métis played in this region in the transition from the Taltheilei Tradition to the Reliance Complex, during the period generally between 1550 and the present. There is no mention of the fact that one of Canada's very first truly indigenous People (as opposed to being immigrants from somewhere else), namely the North Slave Métis, had their ethnogenesis here during that transition period.</p>	The level of detail outlined in the comment is outside the Board's mandate.
10	NSMA	Summary of EA recommendations	Only the EA recommendations that pertain to the ICRP and are within the Board's jurisdiction will only be discussed by the Working Group.
11	DFO	<p>DFO does not believe that refining the ICRP to focus on end pit lakes as fish habitat rather than just large pits holding water is contrary to the intentions of the plan. As stated on page 31:</p> <p><i>This ICRP is an interim plan designed for an operating mine that has a substantial mine life remaining. This interim plan is conceptual in nature and the detail included is appropriate for this stage of closure planning. As the ICRP is updated in the future, further detail will continue to be refined when results of ongoing and planned research studies are known. A final closure plan will be prepared and</i></p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for open pits. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with DFO.</p>

		<p><i>submitted at least 2 years before final closure of the mine.</i></p> <p>DFO believes if research addresses the concerns associated with end pit lakes, it is important that self-sustaining aquatic ecosystems are established after mine closure.</p>	
12	DFO	<p>DFO recognizes that there are concerns with end pit lakes becoming nutrient sinks; however, DFO advocates conducting end pit lake experiment(s) to determine if these concerns are valid. This is consistent with BHP's statement on page 28 of the Executive Summary that:</p> <p><i>Research needs for successful closure of mine components will evolve through the life of the mine and will draw heavily on our existing environmental programs.</i></p> <p>DFO recommends that an end pit lake experiment should be included as a high priority for BHP when refining the detailed reclamation research program for the end pit lake component. This is consistent with BHP's statement on page 115, Appendix C that "closure criteria should be based on targeted research which results in more informed decisions."</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for open pits. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with DFO.</p>
13	DFO	<p>On page 114, Appendix C it is stated that:</p> <p><i>Although backfill of the WRSA into the open pits may address aesthetic concerns raised by some stakeholders, it does not achieve the objective of environmental protection. The assessment shows a number of negative environmental effects from this option.</i></p> <p>This information may be elsewhere in the document but it is important to identify what negative environmental effects have been demonstrated by</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for WRSA. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with DFO.</p>

		the mentioned assessment. As the mine plan changes over time, options such as open pits becoming available for deposit of waste rock should be considered. If waste rock is placed in the open pits and Acid Rock Drainage is not a concern, the end pit lakes will be shallower, reducing the amount of water/ time required to fill them. This will lessen impacts on water source lakes, eliminate the footprint associated with more waste rock piles, and prevent further lakes from being impacted by being used as waste rock storage areas.	
14	DFO	<p>The LLCF has not been identified as a water source for filling of the pits but is being looked at as a potential alternative. DFO recommends that the LLCF not be used as a water source. If Cells D&E meet water quality criteria upon cessation of mining activity, re-establishment of connectivity with downstream water bodies should be considered as the concerns associated with end pit lakes as fish habitat do not apply.</p> <p>The physical habitat has not been substantially altered and therefore the two cells could provide productive fish habitat without much effort on the part of BHP. DFO recommends that BHP include the return of Cell D&E of the LLCF to fish habitat as another specific closure objective.</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for open pits/LLCF. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with DFO.</p>
15	DFO	<p>If Ursula, Upper Exeter, and Lac De Gras are used as water sources for filling the pit lakes, BHP should ensure that the withdrawal rate/ volume will not result in a negative impact to these source lakes. It is important to note that Diavik also proposes to use water from Lac de Gras to fill in open pits created by their operation. The amount of water required from Lac de Gras from both operations should be considered.</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for open pits. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with DFO.</p>
16	DFO	On page 116, Appendix C BHP states that:	As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting

		<p><i>The biological stability of the closed site and potential effects on the surrounding environment are closely related to methods of reclamation, the end land use, and the physical and chemical characteristics of the site. Biological stability at EKATI applies to vegetation, aquatic habitats, and wildlife habitats, and is reached when these habitats are stable, self-sustaining, and productive, and meet the agreed stakeholder requirements.</i></p> <p>To reiterate, DFO believes that the end pit lakes (aquatic habitats) should be designed to be stable, self-sustaining and productive. This would be valuable for both fish and wildlife.</p>	<p>for open pits. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with DFO.</p>
17	DFO	<p>Post closure monitoring should include components related to end pit lakes being designed to support fish, especially overwintering populations.</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for open pits/LLCF. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with DFO.</p>
18	GLL	<p>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.</p> <p>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</p>	<p>At the request of the Prince of Wales Heritage Centre and in an effort to reduce the possibility of archeological sites being disturbed, the Board will not be requiring BHPB to provide maps showing archeological and historical site locations. However, measures and mitigations used to protect these sites may be discussed.</p>

		appropriately considered in the reclamation planning process.	
19	IEMA	In section 3.4.3 BHPB presents employee views on closure. The company should discuss how these views were collected.	The working group will not be considering this comment as section 3.4.3 pertains to employee goals for acquiring skills, managing finances, and further career development opportunities. These are outside the Board's mandate.
20	INAC	<p>Pump Flooding: The stated pumping rates of 0.2 m³/s to 0.4m³/s do not initially appear to pose a threat to the water balance within the Lac de Gras (LDG) watershed. However, there are several concerns with the pump flooding approach.</p> <ul style="list-style-type: none"> o The life of mine (LOM) timeline shows the pump flooding of the first pit to begin in 2010 and continue until 2046. The concern is that there are no guaranties that the pump rates will remain at 0.4m³/s, as stated in Table 16 p-112. o In addition, according to the numbers presented on page 21; a minimum of two pits will be drawing water from LDG from 2020 to 2025. This will increase the volume of water taken from LDG to 0.8m³/s over the 5 year period. How will the pump rates be assessed to minimize potential effects to the water balance or water levels in LDG? o It is important to note that the EKATI mine is not working in isolation within the LDG watershed. Diavik is also looking to fill its open pits with water from LDG. Future modeling is required and must take this into account. 	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for open pits. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>
21	INAC	Beartooth Pit: The Closure and Reclamation Guidelines 2007 (p-4) states that a interim CRP should place emphasis on 'Detailed reporting on progressive reclamation activities'. The Beartooth pit is to begin pump flooding in 2010. Greater detail of the closure plans, specific to Beartooth pit, are needed in order to determine if the closure criteria	<p>As this comment relates to a specific mine component and progressive reclamation, it will be more fully discussed at future Working Group meetings. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage</p>

		and measurement endpoints are acceptable to achieve successful closure, as this is a final closure component.	in discussions with INAC.
22	INAC	<p>Waste Rock Storage Areas (WRSAs): Section 1.6.3. page 23 states that:</p> <p>‘Seepage from the WRSAs will be negligible and will be monitored for signs of adverse trends in seepage quality for a period after closure.’ Greater detail is needed in terms of what constitutes an adverse trend and what will be done about it? The duration and procedure for the WRSAs monitoring requires clarification.</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for WRSAs. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>
23	INAC	<p>Processed Kimberlite Containment Facilities: Section 1.6.4 states that water quality discharge in the receiving environment will be monitored. It is not clear how long this monitoring will continue and whether any monitoring was done before hand to provide a baseline.</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for Section 3. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>
24	INAC	<p>Buildings and Infrastructure: Section 1.6.2 page 22 states that remaining equipment with salvage value will be removed. Clarification is needed to define what is salvageable equipment, and conversely, what is to remain. An explanation of what effect the remaining equipment may have on ground water and water quality would be of value.</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for underground mines. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>
25	INAC	<p>Environmental Assessment: Section 1.12 page 29 states that “opportunities to optimize the pump flooding strategies as well as minimize any potential effects on source lakes and the downstream receiving environment will be investigated with continuing research studies”. Greater detail on the continuing research would be useful in order to determine what is being measured and why.</p>	<p>As this comment relates to a specific mine component and reclamation research, it will be more fully discussed at future Working Group meetings (Sections 3 and 4). However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>

		Statements made in regards to the negligible effects of global warming on the WRSA as it pertains to permafrost should be supported by the appropriate evidence.	
26	INAC	<p>The Mine Site Reclamation Guidelines for the Northwest Territories-INAC 2007 (p-4) describe what components an effective ICRP should have. The following components do not appear to have been properly addressed in the BHPB ICRP 2007.</p> <ul style="list-style-type: none"> o Detailed description of contingency plans o Detailed report on progressive reclamation activities o Updated reclamation research plan o Increasingly convincing evidence that the reclamation objectives can be achieved by the described activities o Site specific closure criteria o Updated post-closure monitoring requirements and responsibilities o Renewed or updated descriptions of the likely post-reclamation risks to human and wildlife health and the environment relevant to the information available (Risk Assessments) 	<p>The stakeholder needs to provide more detailed comments. As the sections on individual mine components and reclamation research are reviewed, please provide clear comments explaining your opinion on which of the listed items are not fully addressed in each section. In addition, make recommendations on how the deficiencies may be rectified.</p> <p><i>Example: Section ___ should include contingency plans for the following items___.</i></p> <p><i>The contingency plan for item___ should include the following information___.</i></p>
27	INAC	<p>Tables 21 to 26 – General Comments</p> <p>Many of the criteria, particularly in objective 2 are adjectives which are subject to interpretation. The words, “significant”, “encourage”, “negligible”, “routine” and many others occur through out these tables. There are no definitions provided to clarify what each of these mean. In this regard they are not “measurable performance based standards” as suggested in the 3rd bullet of Section 3.2.</p>	<p>Rather than trying to develop generalized definitions to be included in the definitions list, the Working Group is to work on ensuring that the ICRP contains enough detail where each of these words are used to fully explain their meaning within each specific context.</p>
28	INAC	<p>Table 21 – Open Pits</p> <p>Physical criteria refer to “geotechnically stable” pit</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting</p>

		<p>slopes. This should be defined – does it refer to large scale failure involving the entire slope? What about raveling? What about instability of any overburden slopes?</p> <p>The physical stability section makes no reference to hydraulic criteria for inflow and outflow channels.</p> <p>The biological criteria refer to pit berms outside the “zone of instability”. Phrased as such, this conflicts with the physical stability criteria. Also in this column is “risk assessment” as an action item. What does this mean?</p> <p>Objective 7 physical stability refers to the 1:100 year storm event for engineered structures. This is not an acceptable standard for closure. Even low risk structures should be constructed for a higher standard than this. The current mine closure guideline does not include the design criteria tables, however the earlier versions recommended that the minimum hydraulic standard for low risk structures would be the 1:200 year storm event, moderate risk structures would be the 1:500 year event and high risk structures based upon the PMF (probable maximum flood). <i>Note that this comment applies to all of the Tables 21 – 26.</i></p>	<p>for open pits. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>
29	INAC	<p>Table 23 – Waste Rock</p> <p>Objective 4, Biological stability refers to “wildlife use of WRSA has been demonstrated”. What does this mean? Use is demonstrated if one animal goes there occasionally. Would this be acceptable to stakeholders? There should also be a need to demonstrate that any such use did not have any negative effects such as enhanced predation or damaged hooves.</p> <p>Overburden piles are not mentioned in this section.</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for WRSA. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>

		Objective 4 refers to maintaining dump lift heights at 20 m. maximum. How is this a closure criteria and what benefit does it provide?	
	INAC	<p>Table 24 – PKCF This section makes no reference to critical closure criteria for tailings impoundments, namely static and seismic stability of dams, and hydraulic capacity of ditches and spillways. <i>Note that this comment also applies to Table 25.</i></p> <p>Objective 4 – biological – actions, refers to progression towards achieving a certain % cover.</p> <p>What is the percentage?</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for PK containment facilities. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>
30	INAC	<p>Table 26 – Buildings & Infrastructure This section makes no reference to industrial waste disposal and landfilling, or to the management of hydrocarbon contaminated soil.</p>	<p>As this comment relates to a specific mine component, it will be more fully discussed at the Working Group meeting for buildings and infrastructure. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with INAC.</p>
31	Enviro. Can.	Appendix C refers to water quality discharge criteria, and in the course of working through Section 6 there will need to be further discussion of the parameters and numbers cited in Table 15. These limits will need to be evaluated in terms of the receiving environment water quality, and in terms of loadings which will occur over time.	<p>As this comment relates to a specific mine component, it will be more fully discussed at a future Working Group meeting. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with Environment Canada.</p>
32	Enviro. Can.	We note that fish barriers are proposed for open pits, and expect there will be further discussion on how the pits will function post-closure. There should be contingency planning done for aspects of uncertainty with respect to water quality and meromixis, and it is acknowledged in the body of the ICRP (Section 8) that further investigations are needed. Similarly, diversion structure closure will be subject to	<p>As these comments relate to specific mine components, they will be more fully discussed at future Working Group meetings. However, time permitting, some initial discussions may take place during the meeting on May 3.</p> <p>BHPB should begin considering this comment and engage in discussions with Environment Canada.</p>

		validation of the proposed configuration, and BHPB should have a contingency plan in the event the channels do not perform as anticipated without ongoing maintenance. We anticipate there will be considerable discussion of these aspects on a component-by-component basis.	
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