



April 13, 2007

Files: MV2001L2-0008 & MV2003L2-0013

Attention: Parties to the Ekati ICRP Working Group

Board's review of stakeholder comments on Section 1 of the Ekati ICRP

The plan familiarization phase and the review period for the introductory materials included in Section 1 of the Ekati ICRP should have provided working group members with an opportunity to become familiar with the ICRP as a whole and to identify some 'big picture' questions and concerns. The Board used the review comments from Section 1 to gain an understanding of what those big-picture questions and issues may be. Two issues were identified by the Board that need to be resolved prior to the review of Sections 2 to 4 and these are: (1) the approach used for the closure goal, objectives and criteria, and (2) definitions.

Approach used for closure objectives and criteria

To continue moving forward with the review of the ICRP, the overall approach or structure used for the closure goal, objectives and criteria needs to be set. BHP Billiton Diamonds Inc (BHPB) provides one such structure in the ICRP while the Independent Environmental Monitoring Agency (IEMA) proposed an alternative structure. These are illustrated on the attached flow diagrams (Option A – BHPB; Option B – IEMA).

The merits and issues of each option were considered and a third option, Option C, was developed internally as a proposed solution. Option C includes both a flow diagram for the structure and a modified table (based on Tables 21 – 26 in Appendix C). This proposed solution has not been approved by the Board and is meant to be a tool for focusing working group discussions. **Please review Option C and the accompanying table and provide written comments by April 27, 2007 that are in the following format:**

- 1. issue/concern**
- 2. explanation or rationale for issue/concern**
- 3. proposed solution**

Please note that this deadline is firm; no late comments will be accepted.

Definitions

Definitions will be the second focus of the working group meeting on May 3, 2007 and the following points pertain to those discussions:

- The Board notes that consultation has been included in the list of definitions. It is to be removed from the list of definitions as the term is more appropriately defined by land claim and self government agreements, legislation, and case law.
- Reviewers must provide alternative wording during the working group meeting for those definitions that in their opinion require modification. If alternative wording is not proposed, the comments will not be considered by the working group.
- Many of the suggestions regarding words that should be added to the definitions list are subjective (e.g. encourage) and difficult to define, especially since their definitions may change depending on the context in which they are used. The working group will not discuss general definitions for these words for inclusion in the definitions list (Appendix A, Table 2). Instead, the working group will work to ensure that enough detail is provided in the ICRP where these words are used to fully understand their meaning in each particular context.

Following the working group's discussions on these matters, the Board will review the advisory document and related materials from the working group and make a binding decision on the definitions and approach for the reclamation goal, objectives and criteria. This will set the foundation for future in-depth discussions on objectives, criteria, and the remaining sections of the ICRP. Until these decisions have been made, BHPB is not required to submit a revised Section 1.

In addition to the comments made above, the Board has responded to some review comments in the attached table titled, *WLWB Filtered Comment Summary Table*. The table provides direction to the working group on certain matters but is not a replacement for BHPB's responses to review comments. For those comments that the Board identifies as being outside its jurisdiction, BHPB is encouraged to work with the appropriate agency to resolve the questions and concerns. Any comments not included in this filtered table will be discussed by the working group at the meeting on May 3.

If you have any questions, contact me at 669-9592 or Sarah Baines at (867) 669-9590 or email sbaines@wlwb.ca.

Yours sincerely,

[original signed by]

Zabey Nevitt
Executive Director

Attachments – Flow diagrams with corresponding tables – Options A, B and C
WLWB Filtered Comment Summary Table