



**bhpbilliton**

**BHP Billiton Diamonds Inc.**  
Operator of the EKATI Diamond Mine

Sarah Baines,  
Regulatory Officer,  
Wek'eezhii Land and Water Board,  
# 1 4905 – 48<sup>th</sup> St,  
Yellowknife, NT,  
X1A 3S3

File: 4.5.1.1

April 27<sup>th</sup>, 2007

**RE: Reclamation Goal, Closure Objectives and Criteria for the EKATI Diamond Mine Interim Closure and Reclamation Plan (ICRP).**

Dear Ms Baines,

BHP Billiton Diamond Inc (BHP Billiton) has reviewed the Wek'eezhii Land and Water Board's (WLWB) proposed approach for closure objectives and criteria as outlined in your letter April 13, 2007. The company generally agrees with the configuration for Goals, Objectives and Criteria as outlined in the WLWB's Option C and would like to provide the following comments, and a proposed structure that represents a workable framework for closure objectives and criteria, which the company would support.

The company has two key concerns related to the Working Groups' comments on Section 1 and the WLWB letter April 13, 2007. The first is reviewers' requests to remove the BHP Billiton Closure Objectives from Tables 21 to 26 Appendix C. BHP Billiton believes the company's objectives should be included because they are equally important to those used by other interested parties, including the regulatory agencies, and communities. BHP Billiton has corporate and international standards to which the company must comply, and which should be identified in the document. Furthermore, they provide insurance to stakeholders that BHP Billiton is a responsible company that sets standards on sustainable development, environmental protection, and reputation. The closure plan must also reflect these standards. However, BHP Billiton also recognises that the original closure objectives in the January 15<sup>th</sup> submission included company objectives which neither the WLWB would be responsible for approving, nor the DIAND Inspector is responsible for signing off at completion. To necessitate a clear distinction of objectives which have associated criteria that require regulatory signoff and those which don't, the company has identified the original objectives as operating principles. These operating principles guide the development of the closure objectives.

The second concern is reviewer's requests for more specific closure criteria. The ICRP is an Interim plan, written in the early years of EKATI's operation, and as such, specific measurements and benchmarks to establish closure completion are also in the conceptual stage. Experience has shown the company that early statements on definitive targets should not be made when there is a high probability of expected change in the future, and when that change requires a lengthy review and approval process. At this time criteria for measurement of success should be kept simple and broad, and refined through research, experience and testing. Closure criteria which can be clearly identified and established at EKATI at this time will be included in this update of the ICRP (an example is the effluent discharge criteria in the current Water License). Preliminary criteria will be identified in the Reclamation Research Plan to ensure continuing research assists refinement and establishment of realistic measurable criteria, and then updated in future Closure Plans.

The following outlines the structure of the proposed BHP Billiton Reclamation Goal, Closure Objectives and Criteria. The framework is shown in Figure 1, and key points are discussed below:

- The reclamation goal remains the same as that approved in the ICRP Terms of Reference.
- Previous Closure Objectives outlined in the January 15<sup>th</sup> 2007 submission become Operating Principles. This was suggested by our regulatory reviewers. The reasons for this change are as follows:
  - To ensure BHP Billiton's principles are treated with the same importance as those of other interested parties.
  - To avoid confusion between two levels of objectives. (Specific objectives, which have associated, quantifiable closure criteria, and higher level objectives which do not have specific criteria).
- The mine components remain the same (Open Pits, Underground Mines, WRSAs, Processed Kimberlite Containment Areas, Dams, Dykes and Channels, and Buildings and Infrastructure).
- Each mine component will have specific closure objectives. Specific closure objectives were requested by a number of reviewers of Section 1 and in the WLWB proposed Option C. See attached Table 1 for an example of the proposed structure as applied to the Open Pits mine component. Closure objectives will be categorized into Health & Safety, Air, Land, Water, Wildlife, Community and Operations. These follow with the categories used in the Environmental Assessment Summary for residual liabilities in the ICRP Vol 1, Section 8, and with the categories for risk assessment in Appendix E. These are also similar categories used in the Environmental Impact Report, 2006 used to identify Valued Ecosystem Components (VECs). The above categories will replace Physical Stability, Chemical Stability, Biological Stability and Sustainability and Traditional Knowledge.
- Each Closure Objective will have an accompanying Closure Criteria, identified Action/Measurement, Reclamation Research references (where applicable) and Monitoring references. Table 1 provides an example of how each of the above have been arranged in systematic order for the Open Pits mine component.

BHP Billiton regards the standards and benchmarks required for closure planning and reclamation as essential components of the ICRP. We also recognise the importance of reaching an agreed upon frame work for this and future updates of the Closure Plan. The company therefore commends the WLWB staff for the initiative in reviewing and combining comments from all parties, and providing a working option upon which all parties can build. We hope that this proposal satisfies the direction the WLWB has taken, and provides a workable framework for all parties.

Should you have any questions concerning the proposed meetings and the workshop, please contact Helen Butler (867) 669-6104.

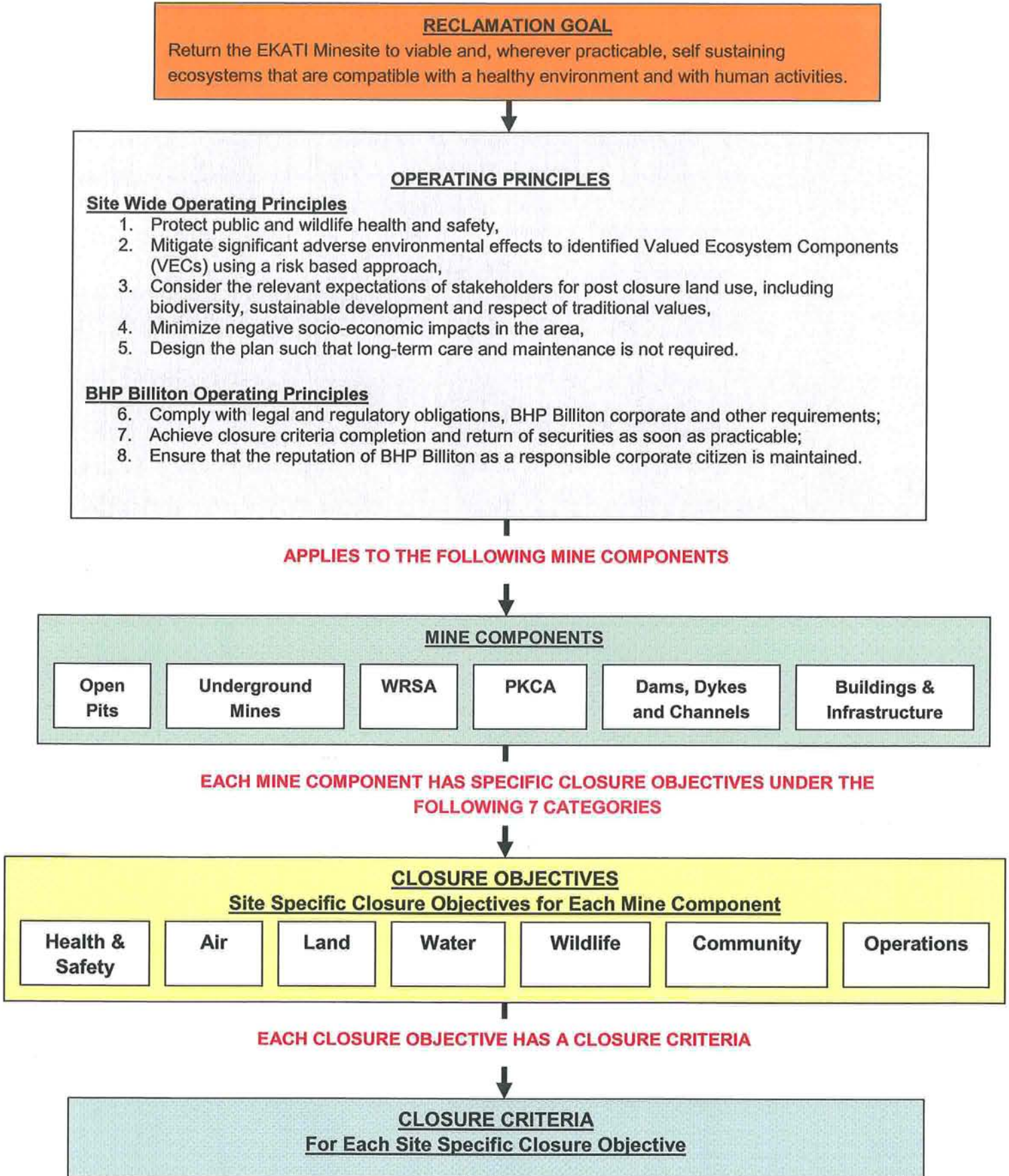
Sincerely,



David Scott  
Manager Business Development  
EKATI Diamond Mine.



**Figure 1. ICRP Reclamation Goal, Closure Objectives and Criteria Structure.**



**Table 1: Example of Specific Closure Objectives and Criteria for the Open Pits Mine Component**

CLOSURE OBJECTIVES AND CRITERIA – OPEN PITS				
Open Pit Specific Closure Objectives	Closure Criteria	Actions/Measurements	Reclamation Research Reference	Monitoring Reference
<b>HEALTH &amp; SAFETY</b>				
Example for Health & Safety: Minimize access to protect human and wildlife safety.	Minimum 2m high berm constructed around open pit.	Physical inspection and survey control.	Appendix F. Tables 42 and 43	Appendix H. Tables 49 and 55
<b>AIR</b>				
Example for Air: Ensure fugitive dust in minimized.				
<b>LAND</b>				
Example for Land: Remove surface infrastructure (ie. buildings, pipelines, tanks)).				
<b>WATER</b>				
Example for Water: Water discharge from pit lake meets water license criteria.				
<b>WILDLIFE</b>				
Example for Wildlife: Wildlife are using the area.				
<b>COMMUNITY</b>				
Example for Community: Archaeological sites are protected.				
<b>OPERATIONS</b>				
Example for Operations: Appropriate documentation is maintained				