



Indian and Northern
Affairs Canada

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April 27, 2007

Sarah Baines
Regulatory Officer
Wek'èezhìi Land and Water Board
#1 4905-48th Street
Yellowknife, NT X1A 3S3

Re: Request for Comments - Board's Review of stakeholder comments on Section 1 of the Ekati ICRP

Dear Ms. Baines:

The Water Resources Division (WRD) and South Mackenzie District (SMD) of Indian and Northern Affairs Canada reviewed the letter provided by the Board on April 13, 2007. We agree with the Board that two big picture issues identified with BHP's ICRP at this time are: 1) the approach used for closure goals, objective and criteria, and 2) definitions.

We believe that option C is the best of the possible frameworks presented. The majority of our concerns remain the lack of detail provided in the closure criteria. Without detailed closure criteria it will be difficult to determine when successful reclamation is achieved for each mine component. In our opinion, it is necessary to decide the measures of success, or closure criteria, before reclamation begins. This is consistent with INAC's guidelines. Closure criteria in our guidance document are defined as '*detail to set precise measures of when the objective has been satisfied*'. In this regard we proposed the following minor adjustment to the closure criteria in option C. We suggest the following:

VEC1:

- a) objective a
 - criteria for objective a

Replace with:

VEC1:

- a) objective a
 - a *measurable* criteria that is *closely related* to objective a

Thank you for providing the opportunity to comment on these options. We hope you find these comments useful and look forward to the upcoming Working Group meeting to further discuss the proposed options/frameworks and our concerns. At that time, if warranted we can elaborate on specific changes or modification to the options presented.

Sincerely,

Dr. Kathleen Racher
Manager
Water Resources Division