



***INDEPENDENT ENVIRONMENTAL MONITORING AGENCY***

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August 9, 2006

David Livingstone  
Director, Renewable Resources and Environment  
Box 1500  
Yellowknife NT  
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Dear David

Thank you for the opportunity to submit our comments on BHPB's 2005 Annual Environmental Report. The Agency finds that the Report is generally satisfactory in terms of meeting the requirements of the Environmental Agreement.

A positive endeavour discussed in the 2005 report is more detailed coverage on the topic of Traditional Knowledge (TK) use at Ekati. The Agency is pleased to see both the current increased use of TK at the mine as described in the Caribou and Roads Project discussion, and the commitment to further expand the future use of TK at Ekati and integrate elders with BHPB's environment department activities on a more regular basis.

The Agency does find a number of weaknesses in the Annual Report that it would like to bring to the attention of BHPB and the MVLWB, with a view to improving future such reports. We note in particular, that the coverage of the 2005 Wildlife Effects Monitoring Program results is cursory at best. Given the importance of wildlife to nearby communities and Aboriginal peoples' interest in these matters, the Agency suggests that BHPB make more of an effort to present wildlife incidents, monitoring results and lessons learned. In addition, we note the following:

- Page 6 describes several internal and external audits of Ekati and it would have been even more helpful to summarize the improvements in environmental management resulting from these audits.
- Page 11, Table 3.1 includes the licence limits on use of water and the same feature should be added to other tables that relate to use of water and discharges to show the licence limits.
- Page 12, Table 3.2 on Monthly Lake Levels, it is noted that some levels were not taken due to "scheduling conflicts". What does this mean and how does BHPB propose to deal with it in the future?

- Page 14, Table 3.4, the listing of substance loadings to the LLCF does not include petroleum hydrocarbons. While a paragraph was devoted to its discussion in the EIR 2006, the Annual Report is silent on this issue. Indicative of stakeholder interest in this matter, it came up as a concern during the recent Closure Options Evaluation Workshop. The Annual Report should have mentioned the loading rate (10 kg/day) and related it to both the water license limits and the CCME guidelines for soils (as it presumably will constitute a component, however minor, of the exposed tailings in the upstream cells). While we do not believe hydrocarbons to be a problem, such reassurance would be a helpful addition to the annual report.
- Page 15, Table 3.6 Mine Water Discharges in 2005, there is a relatively large amount in the underground column for June (approx. 166 k cubic metres) compared to all other months (ranging from 0 to 38 k cubic metres). What is the explanation for this variation?
- Page 27, points (iii) and (iv) suggest that approximately 2251 t of coarse kimberlite and 807,171 t of fine processed kimberlite have been produced. It would appear that the period in the coarse kimberlite number should be a comma and it should be 2,225,000 t.
- Page 36, Table 3.20 further details should be presented on summaries of follow-up actions as was done in Appendix E of the 2004 Annual Report.
- Page 37, it is stated, "However it must be noted that the values associated with the parameter exceeded our water license discharge criteria and no significant environmental effects have been detected." We assume this is an error, as of the seven elevated parameters, the only ones regulated by license (pH and arsenic) are well within license limits. The next paragraph in fact states "All water released from the LLCF in 2005 was within compliance limits."
- Page 42 refers to BHPB's desire for a "system" of closure criteria and mechanism for applying progressive reclamation credits similar to ones developed in the Yukon. A short discussion of what this Yukon system is and its applicability to the NWT and Ekati in particular, would have been beneficial. On this page and again at page 56, a breakdown of the current mine reclamation liability, along with what is currently set aside in security, would have been helpful.
- Page 50, Table 4.4 comment code does not appear to refer to anything in the table. The comment code may refer to a high TSS measurement at Little Reynolds outflow.
- Page 51 where there is a figure illustrating the mine plan including a timeline for each mine component. It would be helpful to add closure and reclamation

activities to the mine plan in future Annual Reports, especially after the Interim Closure and Reclamation Plan is approved.

- Page 52, situates seep station -019 west of the Panda/Koala waste rock pile. When it is in fact it is northeast of the rock pile.
- Page 61, a list of the inspection dates with any general comments would have been helpful.
- In the listing of all the studies undertaken by BHPB in 2005, page 65 curtly refers to the nitrate toxicity study on early life stages of fish. While it is welcome news that the study results will be published in a refereed journal, it would have been helpful to present a brief summary of results, or at least the purpose of the study, similar to what is included for all other research listed in that section of this report. Even a reference to the explanation provided in the 2004 annual report would be helpful.
- Page 69 states that a hawk was the sole animal killed by road collision with a vehicle. This statement is not consistent with the data presented in the 2005 Wildlife Effects Monitoring Program Report where 14 vehicle related mortalities in 2005 (at least to October 1, 2005) are presented in Table 3.1-1.
- Pages 69-70 fail to mention results of BHPB studies on caribou behavior related to mining activity. It only states that more caribou were seen on roads a minimum of 50 m away from roads. BHPB concludes that "over the nine years of monitoring...there have been no on-going negative effects from the mine on caribou." This statement is not consistent with the findings of the EIR 2006 where "moderate effects" were noted on caribou.
- Page 70, the discussion on grizzly bears does not mention any of the incidents reported in the 2005 WEMP including the shooting of a bear in poor condition.

We would be please to discuss these comments with BHPB and others to ensure improved public reporting and environmental management at Ekati.

Sincerely,

-original signed by-

Bill Ross  
Chairperson

cc. Society Members  
Sarah Baines, Wek'eezhi Land and Water Board