



Wek'èezhii
Land and Water Board

Box 32, Wekweètì, NT X0E 1W0
Tel: 867-713-2500 • Fax: 867-713-2502 • www.wlwb.ca

December 19, 2006

Files: MV2001L2-0004
MV2001L2-0008
MV2002L2-0002
MV2003L2-0013

Mr. Richard Weishaupt
Manager, Environment and Technical Services
BHP Billiton Diamonds Inc.
#1102, 4920-52nd Street
YELLOWKNIFE, NT X1A 3T1

Fax: (867) 669-9293

Dear Mr. Weishaupt:

Ruling on three questions relating to the amalgamation of the Type B water licenses with the Type A water licenses

Last October, the Wek'èezhii Land and Water Board (the Board) proposed the amalgamation of the Type B water licenses that allow for the use of water for road watering with the Type A water licenses. As part of the process to determine the appropriateness of this proposal, the Board sought input from parties on three questions:

1. Do the scopes of the Type A water licenses allow for the use and deposit of water for road watering?
2. Do the conditions of the Type A water licenses allow for the use and deposit of water for road watering?
3. Do the conditions of the Type A water licenses ensure the protection of affected waters to an equal or greater extent than the existing Type B water licenses?

The Department of Fisheries and Oceans, Environment Canada, and the Water Resources Division of INAC all indicated their support for the proposed amalgamation. The Independent Environmental Monitoring Agency also indicated their support for the amalgamation of the licenses with certain recommendations. Although previously provided to you, all comments are again attached for your records as BHPB will be invited to respond to these recommendations at a later date. No other parties responded.

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In light of the comments received, the Board hereby rules that all three questions are satisfied. Given this ruling, the Board requests that BHPB notify the Board in writing by **January 17, 2007** whether or not the company agrees with the initiation of cancellation proceedings for the Type B water licenses.

If BHPB agrees, the Board will provide all parties with a work plan for the cancellation proceedings, which will be in accordance with section 21(2)(b) of the *Northwest Territories Waters Act*. If BHPB does not agree to the initiation of cancellation proceedings, the Board will accept a renewal application for Water License MV2001L2-0004 by **March 17, 2007**.

If you have any questions, contact Sarah Baines at (867) 766-7457 or email sbaines@mvlwb.com.

Yours sincerely,



Violet Camsell-Blondin
Interim Chair

Attachment – Review comments

Copied to: BHPB Distribution List

Sarah Baines

From: Wilson, Anne [Ye!] [Anne.Wilson@EC.GC.CA]
Sent: Wednesday, December 13, 2006 2:46 PM
To: sbaines@wlvb.ca
Subject: Regulation of Ekati road-watering activities under Type A licences

Good afternoon Sarah,

As discussed, this will confirm that Environment Canada has no concerns with consolidating the road watering activities from the two Type B licences into the existing Type A licences.

Anne

*Anne Wilson
Water Pollution Specialist
Environmental Protection Branch
Yellowknife, NT
Ph. 867-669-4735
Fax 867-873-8185*

Sarah Baines

From: Sarah Baines [sbaines@mvlwb.com]
Sent: Monday, December 18, 2006 7:17 AM
To: 'Sarah Baines'
Subject: FW: Cancellation of BHPB Tpye B Licences

-----Original Message-----

From: Rebecca Chouinard [mailto:chouinardr@inac-ainc.gc.ca]
Sent: Friday, December 15, 2006 11:56 AM
To: Sarah Baines
Cc: Catherine Mallet; Lionel Marcinkoski; Kathleen Racher; Nathen Richea; Scott Stewart
Subject: Cancellation of BHPB Tpye B Licences

Hello Sarah,

The Water Resources Division of INAC does not have any technical concerns with respect to allowing the activities currently conducted under the Type B water licences to continue under the Type A water licences.

If you wish to discuss this matter in more detail please feel free to contact me or Nathen Richea (867-669-2657) at your convenience.

Cheers,

Rebecca Chouinard
Pollution Control Specialist - Mining
Water Resources Division - NT Region
Tel: (867) 669-2664

Sarah Baines

From: BalintD@DFO-MPO.GC.CA
Sent: Friday, December 15, 2006 12:59 PM
To: sbaines@wtwb.ca
Cc: HannaB@DFO-MPO.GC.CA
Subject: BHP Type B water licences

Sarah:

DFO does not oppose the Type B WL amalgamation.

DFO supports the amalgamation based on page 2 of the Boards letter where it is stated that drawdown plans would have to be submitted. The drawdown plans would be subject to stakeholder review and would require approval by the Board before activities commence. The review of these drawdown plans would enable DFO to ensure that water withdrawal protocols are adhered to.

Dave Balint

Habitat Biologist | Biologiste, Habitat

(867) 669-4926 | facsimile/ télécopieur (867) 669-4940

balintd@dfo-mpo.gc.ca

Fish Habitat Management, Western Arctic Area | Gestion de l'Habitat du Poisson, Secteur de l'Arctique de l'Ouest

Central and Arctic Region | Région Centrale et de l'Arctique

Fisheries and Oceans Canada | 101-5204 50th Ave, Yellowknife, NT, X1A 1E2

Pêches et Océans Canada | 101-5204 50^e Ave, Yellowknife, T.N.-O, X1A 1E2

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INDEPENDENT ENVIRONMENTAL MONITORING AGENCY

P.O. Box 1192, Yellowknife, NT X1A 2N8 • Phone (867) 669-9141 • Fax (867) 669-9145
Website: www.monitoringagency.net • Email: monitor1@yk.com

December 15, 2006

Violet Camsell-Blondin
Chairperson
Wek'eezhi Land and Water Board
Box 32
Wekweti NT X0E 1W0

Dear Ms. Blondin-Camsell

Re: Regulation of Road Watering Activities at the Ekati Mine

As requested in your letter dated November 27, 2006, the Agency is pleased to offer the following comments on the regulation of road watering activities at the Ekati Mine.

The Agency is generally supportive of efforts to coordinate regulatory requirements and reporting, and agrees with the concept of consolidating the regulation of road watering activities at Ekati. Accordingly, we support the move by the Board to consolidate road watering requirements.

We note that there are some specific measures spelled out in the current Class B licences such as daily (MV2002L2-002) and annual (both licences) limits for water withdrawals, annual reporting requirements for water used and unauthorized discharges, and updating of contingency and closure plans. We also note that the use of chemical dust suppressants on the Misery Road requires approval of the Board under the Class B licence covering this activity.

We note that the Class A water licences would require submission of a plan ahead of time for dewatering related to road work, and that there are general requirements for the reporting of water use. There does not appear to be an explicit requirement for updating contingency and closure plans, or for Board approval of dust suppressants under the Class A licences for activities related to road watering. We are of the view that it would be desirable that these requirements be retained as part of the dewatering plans under the Class A licences for road watering.



We would be happy to answer any questions your staff may have of our views on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Ross". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bill Ross
Chairperson

cc. Society Members
Sarah Baines, Wek'eezhi Land and Water Board
Scott Stewart, DIAND Water Inspector



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Land and Water Board

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BHPB Distribution List

FIRST NATIONS/ABORIGINAL AND CO-MANAGEMENT ORGANIZATIONS

Rachel Crapeau	Yellowknives Dene First Nation	<input type="checkbox"/> 867-873-5969
Joe Acorn	Representative for the YKDFN	<input type="checkbox"/> 867-766-3497
Monica Krieger	Lutsel K'e Dene First Nation	<input type="checkbox"/> 867-370-3010
President Bill Enge	North Slave Métis Alliance	<input type="checkbox"/> 867-669-7442
President North Douglas	Behchoko Métis Local #64	<input type="checkbox"/> 867-371-5406
Stephen Ellis	NWT Treaty 8 Tribal Corporation – Akaitcho IMA Implementation Office	<input type="checkbox"/> 867-370-3209
Interim ED – Rob Marshall	Wek'èezhìi Renewable Resource Board	<input type="checkbox"/> 867-669-6225
Jack Kaniak	Kitikmeot Inuit Association	<input type="checkbox"/> 867-982-3311

GOVERNMENT - TLICHO

Chief Leon Lafferty	Behchoko Community Government	<input type="checkbox"/> 867-392-6412
Chief Henry Gon	Gameti Community Government	<input type="checkbox"/> 867-997-3411
Chief Charlie Football	Wekweeti Community Government	<input type="checkbox"/> 867-713-2030
Chief Charlie J. Nitsiza	Whati Community Government	<input type="checkbox"/> 867-573-3018
Eddie Erasmus, Director	Tlicho Lands Protection Department	<input type="checkbox"/> 867-392-6408

GOVERNMENT - GNWT

Duane Fleming	GNWT – HEALTH	<input type="checkbox"/> 867-669-7517
Jason McNeill	GNWT – ENR	<input type="checkbox"/> 867-873-4021
Erika Nyssonen		<input type="checkbox"/> Internal Mail
Greg Brady	GNWT – ITI	<input type="checkbox"/> 867-873-0645

GOVERNMENT - FEDERAL

Scott Stewart	South Mackenzie District Office - INAC	<input type="checkbox"/> 867-669-2720 <input type="checkbox"/> Internal Mail
Denise Mazur	Lands Administration - INAC	<input type="checkbox"/> 867-669-2705 <input type="checkbox"/> Internal Mail
Lionel Marcinkoski	Environment and Conservation - INAC	<input type="checkbox"/> Internal Mail
Kathleen Racher	Water Resources Division - INAC	<input type="checkbox"/> 867-669-2716 <input type="checkbox"/> Internal Mail
Anne Wilson	Environment Canada	<input type="checkbox"/> 867-873-8185
Bruce Hannah	DFO	<input type="checkbox"/> 867-669-4940
Dave Balint		<input type="checkbox"/> 867-669-4940

OTHERS

Bill Ross	IEMA	<input type="checkbox"/> 867-669-9145
David Scott	BHP Billiton Diamonds Inc.	<input type="checkbox"/> 867-669-9293